

**A  
MANUAL  
FOR THE  
MANAGEMENT OF JAILS  
IN  
AJMER-MERWARA  
1936**



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# ACT No. IX OF 1894.

## THE PRISONS ACT, 1894.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 22nd March 1894.)*

[As amended by the (1) Burma Laws Act, 1898 (XIII of 1898), (2) Prisons (Amendment) Act, 1910 (XIII of 1910), (3) Repealing and Amending Act, 1914 (X of 1914), and (4) Prisons (Amendment) Act, 1925 (XVII of 1925).]

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in British India, and to provide rules for the regulation of such prisons, it is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. *Title, extent and commencement.*—(1) This Act may be called the Prisons Act, 1894.

(2) It extends to the whole of British India, inclusive of  
• • • • British Baluchistan, the Santhal Parganas and the Pargana of Spiti; and

(3) It shall come into force on the first day of July 1894.

(4) Nothing in this Act shall apply to civil jails in the Presidency of Bombay outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of Bombay Act II of 1874, as amended by subsequent enactments.

2. *Repeal.*—(1) On and after the said first day of July 1894, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

(2) But all rules and appointments made, directions given and orders issued under any of those enactments shall, so far as they are consistent with this Act, be deemed to have been respectively made, given and issued under this Act.

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. *Definitions.*—In this Act—

(1) "Prison" means any jail or place used permanently or temporarily under the general or special orders of a

• The words "Upper Burma" were repealed by the Burma Laws Act, 1898 (XIII of 1898), see the Fifth Schedule.

• So much of this section and of the Schedule, as relates to the Upper Burma Laws Act, 1898 (XX of 1898), has been repealed by the Burma Laws Act, 1903 (XIII of 1903), see the Fifth Schedule.

Provincial Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

- (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
  - (b) any place specially appointed by the Provincial Government under section 641 of the Code of Criminal Procedure, 1882 (X of 1882); or
  - (c) any place which has been declared by the Provincial Government, by general or special order, to be a subsidiary jail:
- (2) "Criminal prisoner" means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial:
  - (3) "Convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1882\* (X of 1882), or under the Prisoners Act, 1871 (V of 1871):
  - (4) "Civil prisoner" means any prisoner who is not a criminal prisoner:
  - (5) "Remission system" means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:
  - (6) "History ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:
  - (7) "Inspector-General" means the Inspector-General of Prisons:
  - (8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant: and
  - (9) "Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

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## CHAPTER II.

exercise, subject to the orders of the Provincial Government, the general control and superintendence of all prisons situated in the territories under such Government.

6. *Officers of prisons.*—For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the Provincial Government thinks necessary:

Provided that the Provincial Government of Bombay may declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

7. *Temporary accommodation for prisoners.*—Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the Provincial Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

## CHAPTER III.

### DUTIES OF OFFICERS.

#### *Generally.*

8. *Control and duties of officers of prisons.*—All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or as prescribed by rules under section 69.

9. *Officers not to have business dealings with prisoners.*—No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

10. *Officers not to be interested in prison contracts.*—No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

#### *Superintendent.*

11. *Superintendent.*—(1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Provincial Government, the Superintendent of a prison other than a central prison or a prison situated in a presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon.

12. *Records to be kept by Superintendent.*—The Superintendent shall keep, or cause to be kept, the following records:—

- (1) A register of prisoners admitted;
- (2) A book showing when each prisoner is to be released;
- (3) A punishment-book for the entry of the punishments inflicted on prisoners for prison offences;
- (4) A visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (5) A record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under section 59 or section 60.

(8) when the prisoner died, and

(9) (in cases where a *post-mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

16. *Jailer.*—(1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

17. *Jailer to give notice of death of prisoner.*—Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

18. *Responsibility of Jailer.*—The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. *Jailer to be present at night.*—The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. *Powers of Deputy and Assistant Jailers.*—Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

#### *Subordinate Officers.*

21. *Duties of gate-keeper.*—The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

22. *Subordinate officers not to be absent without leave.*—Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

23. *Convict officers.*—Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

### CHAPTER IV.

#### ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

24. *Prisoners to be examined on admission.*—(1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. *Effects of prisoners.*—All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

26. *Removal and discharge of prisoners.*—(1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

## CHAPTER V.

### DISCIPLINE OF PRISONERS.

27. *Separation of prisoners.*—The requisitions of this Act with respect to the separation of prisoners are as follow:—

- (1) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners:
- (2) In a prison where male prisoners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not:
- (3) Unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and
- (4) Civil prisoners shall be kept apart from criminal prisoners.

28. *Association and segregation of prisoners.*—Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.



29. *Solitary confinement.*—No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

30. *Prisoners under sentence of death.*—(1) Every prisoner under sentence of death, shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

## CHAPTER VI.

### FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS.

31. *Maintenance of certain prisoners from private sources.*—A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector-General.

32. *Restriction on transfer of food and clothing between certain prisoners.*—No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

33. *Supply of clothing and bedding to civil and unconvicted criminal prisoners.*—(1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

## CHAPTER VII.

### EMPLOYMENT OF PRISONERS.

34. *Employment of civil prisoners.*—(1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. *Employment of criminal prisoners.*—(1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour, but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. *Employment of criminal prisoners sentenced to simple imprisonment.*—Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

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## CHAPTER VIII.

### HEALTH OF PRISONERS.

37. *Sick prisoners.*—(1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

39. *Hospital*.—In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

## CHAPTER IX.

### VISITS TO PRISONERS.

40. *Visits to civil and unconvicted criminal prisoners*.—Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

41. *Search of visitors*.—(1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the Provincial Government may direct.

## CHAPTER X.

### OFFENCES IN RELATION TO PRISONS.

42. *Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners*.—Whoever, contrary to any rule under section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

43. *Power to arrest for offence under section 42*.—When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer

to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police Officer, and thereupon such Police Officer shall proceed as if the offence had been committed in his presence.

44. *Publication of penalties.*—The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

## CHAPTER XI.

### PRISON-OFFENCES.

45. *Prison-offences.*—The following acts are declared to be prison-offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulations of the prison as shall have been declared by rules made under section 59 to be a prison-offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison-property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against any officer or prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

46. *Punishment of such offences.*—The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning;

*Explanation.*—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history-ticket;

- (2) change of labour to some more irksome or severe <sup>1</sup>(for such period as may be prescribed by rules made by the Provincial Government;
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Provincial Government;
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months;
- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Provincial Government;
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Provincial Government;
- (8) separate confinement for any period not exceeding <sup>1</sup>three months;

*Explanation.*—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

- (9) penal diet,—that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Provincial Government;

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (10) cellular confinement for any period not exceeding fourteen days;

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement;

*Explanation.*—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

<sup>1</sup> These words were added by section 2 of the Prisons (Amendment) Act, 1925 (XVII of 1925).

<sup>2</sup> Original clause (11) of section 46 was repealed by section 2 of the Prisons (Amendment) Act, 1925 (XVII of 1925).

- (11) penal diet as defined in clause (9) combined with cellular confinement;
- (12) whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. *Plurality of punishments under section 46.*—(1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:—

- (1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section;
- (2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with cellular confinement;
- (3) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;
- (4) whipping shall not be combined with any other form of punishment except cellular or separate confinement or loss of privileges admissible under the remission system;
- (5) no punishment shall be combined with any other punishment in contravention of rules made by the Provincial Government.

(2) No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

48. *Award of punishments under sections 46 and 47.*—(1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. *Punishments to be in accordance with foregoing sections.*—Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. *Medical Officer to certify to fitness of prisoner for punishment.*—(1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2),

shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. *Entries in Punishment-book.*—(1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. *Procedure on committal of heinous offence.*—If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class or Presidency Magistrate having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46:.

Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the first class and by a Chief Presidency Magistrate to any other Presidency Magistrate: and

Provided also that no person shall be punished twice for the same offence.

(2) Whipping shall be inflicted with a light rattan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter rattan.

54. *Offences by prison subordinates.*—(1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall under this section be punished twice for the same offence.

## CHAPTER XII.

### MISCELLANEOUS.

55. *Extramural custody, control and employment of prisoners.*—A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. *Confinement in irons.*—Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector-General with the sanction of the Provincial Government, so confine them.

57. *Confinement of prisoners under sentence or transportation in irons.*—(1) Prisoners under sentence of transportation may, subject to any rules made under section 59, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

58. *Prisoners not to be ironed by Jailer except under necessity.*—No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.



59. *Power to make rules.*—The Provincial Government may make rules consistent with this Act—

- (1) defining the acts which shall constitute prison-offences;
- (2) determining the classification of prison-offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof;
- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;
- (5) for the award of marks and the shortening of sentences;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;
- (8) for the classification of prisons, and description and construction of wards, cells and other places of detention;
- (9) for the regulation by numbers, length or character of sentences or otherwise, of the prisoners to be confined in each class of prisons;
- (10) for the government of prisons and for the appointment of all officers appointed under this Act;
- (11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (12) for the employment instruction and control of convicts within or without prisons;
- (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;
- (15) for regulating the disposal of the proceeds of the employment of prisoners;
- (16) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (17) for the classification and the separation of prisoners;
- (18) for regulating the confinement of convicted criminal prisoners under section 28;
- (19) for the preparation and maintenance of history-tickets;
- (20) for the selection and appointment of prisoners as officers of prisons;
- (21) for rewards for good conduct;
- (22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire subject, however, to the consent of the Provincial Government of

any, other Province to which a prisoner is to be transferred;

- (23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (25) for the appointment and guidance of visitors of prisons;
- (26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882\*, and to the officers employed, and the prisoners confined, therein;
- (27) in regard to admission, custody, employment, dieting, treatment and release of prisoners, and
- (28) generally for carrying into effect the purposes of this Act.

60. [Omitted.]

61. *Exhibition of copies of rules.*—Copies of rules under section 53, so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

62. *Exercise of powers of Superintendent and Medical Officer.*—All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the Provincial Government may appoint in this behalf either by name or by his official designation.

## THE SCHEDULE.

### ENACTMENTS REPEALED.

(See Section 2.)

Year.	No.	Title or short title.	Extent of repeal.
1	2	3	4
		<i>Acts of the Governor General in Council.</i>	
1856	VIII	An Act for the better control of the jails within the Presidency of Bombay.	So much as has not been repealed.
1870	XXVI	Prisons Act, 1870 . . . . .	So much as has not been repealed.
1874	XV	Laws Local Extent Act, 1874 . . . . .	So much of Part (b) of the third schedule as relates to Act VIII of 1856.

\* See now the Code of Criminal Procedure, 1898 (Act V of 1893).

THE SCHEDULE—*contd.*

Year. 1	No. 2	Title or short title. 3	Extent of repeal. 4
		<i>Acts of the Governor General in Council— continued.</i>	
1878	XIV	An Act to assimilate certain powers of the Local Government of the North-Western Provinces and Oudh.	Section 2.
1891	XII	Repealing and Amending Act, 1891	So much of the second schedule as relates to Acts VIII of 1856 and XXVI of 1870.
		<i>Acts of the Governor of Fort St. George in Council.</i>	
1869	V	Madras Jails Act, 1869	So much as has not been repealed.
1882	VII	Madras Jails Act, Amendment Act, 1882	The whole.
1889	II	An Act to amend the Madras Jails Act, 1869.	The whole.
		<i>Acts of the Governor of Bombay in Council.</i>	
1874	II	An Act for the regulation of Jails in the City and Presidency of Bombay, and the enforcement of discipline therein.	So much as has not been repealed, except sections 9 to 18 (both inclusive) as amended by Bombay Act II of 1882.
1882	II	An Act to amend Bombay Act II of 1874	Section 3.
1883	IV	An Act to amend the law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.	The whole.
1887	I	An Act to further amend Bombay Act II of 1874.	The whole.
		<i>Acts of the Lieutenant Governor of Bengal in Council.</i>	
1884	II	An Act for the regulation of Jails and the enforcement of discipline therein.	So much as has not been repealed.
1895	V	An Act to amend Act II of 1884, passed by the Lieutenant Governor of Bengal in Council, and to extend the provisions thereof to the Presidency Jail.	So much as has not been repealed.

<sup>1</sup> The entry repealing that portion of the Upper Burma Laws Act, 1886 (XX of 1886), which relates to Act XXVI of 1870 was repealed by the Burma Laws Act, 1898 (XIII of 1898).

## THE SCHEDULE—concl'd.

Year. 1	No. 2	Title or short title. 3	Extent of repeal. 4
		<i>Regulations made under the Statute 33 Victoria, Chapter 3.</i>	
1872	III	Santhal Parganas Settlement Regulation .	So much of the Schedule (as amended by Regulation III of 1886) as relates to Bengal Acts II of 1864 and V of 1865.
1874	IX	Arakan Hill District Laws Regulation, 1874	So much as relates to Act XXVI of 1870.
1875	II	Assam Prisons Regulation, 1875 . . .	The whole.
1890	I	British Baluchistan Laws Regulation, 1890.	So much as relates to Act XXVI of 1870.

# THE PRISONERS ACT, 1900 (III OF 1900).

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**SCHEDULES.**



## ACT No. III OF 1900.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 2nd February 1900.)*

[As modified up to 1st July 1910 and amended by the following Acts:—

- (1) the Repealing and Amending Act, 1914 (X of 1914),
- (2) the Devolution Act, 1920 (XXXVIII of 1920), and
- (3) the Prisoners (Amendment) Act, 1923 (XVII of 1923).]

An Act to consolidate the law relating to Prisoners confined by order of a Court.

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a Court; It is hereby enacted as follows:—

### PART I.

#### PRELIMINARY.

1. *Short title, extent, and commencement.*—(1) This Act may be called the Prisoners Act, 1900.

(2) It extends to the whole of British India, inclusive of British Baluchistan, the Santhal Parganas, and the Pargana of Spiti.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(a) “ Court ” includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction; and

(b) “ Prison ” includes any place which has been declared by the Provincial Government, by general or special order, to be a subsidiary jail.

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### PART II.

#### GENERAL.

3. *Officers in charge of prisons to detain persons duly committed to their custody.*—The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court, according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged or removed in due course of law.

4. *Officers in charge of prisons to return writs, &c., after execution or discharge.*—The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the

Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

### PART III.

#### PRISONERS IN THE PRESIDENCY-TOWNS.

5. *Warrants, etc., to be directed to Police Officers.*—Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a Police Officer within the local limits of such jurisdiction.

6. *Power for Provincial Governments to appoint Superintendents of Presidency prisons.*—The Provincial Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this Part.

*Explanation.*—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as “the Superintendent”.

7. *Delivery of persons sentenced to imprisonment or death by High Court.*—Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

8. *Delivery of persons sentenced to transportation or penal servitude by High Court.*—Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation or penal servitude of such person shall be deemed to commence from such delivery.

9. *Delivery of persons committed by High Court in execution of a decree or for contempt.*—Where any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent, together with its warrant of commitment.

10. *Delivery of persons sentenced by Presidency Magistrates.*—Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure in finding security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant.

11. *Delivery of persons committed for trial by High Court.*—Every person committed by a Magistrate or Justice of the Peace for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such person before the Court for trial; and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

12. *Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.*—The High Court may, pending the hearing, under section 350 of the Code of Civil Procedure (XIV of 1882), of any application for a declaration of insolvency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law.

13. *Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.*—(1) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court or a Judge thereof, is then sitting for the exercise of original jurisdiction.

(2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction, in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

## PART IV.

### PRISONERS OUTSIDE THE PRESIDENCY-TOWNS.

14. *References in this part to prisons, etc., to be construed as referring also to Reformatory Schools.*—In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

15. *Power for officers in charge of prisons to give effect to sentences of certain Courts.*—(1) Officers in charge of prisons outside the Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

(a) by any Court or tribunal acting, whether within or without British India, under the general or special authority of Her Majesty, or of the Central Government, or of the Crown Representative, or of any Provincial Government, or of the Government of Burma.

(b) by any Court or tribunal in any Indian State—

(i) if the presiding Judge, or if the Court or tribunal consists of two or more Judges, at least one of the Judges, is an officer of the Crown authorized to sit as such Judge

same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure 1898 (V of 1898).

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid shall in each Province be such as the Provincial Government may, by general or special order, direct.

(3) A Court shall be deemed to be a British Court for the purposes of this section if the presiding Judge, or if the Court consist of two or more Judges, at least one of the Judges, is an officer of the crown authorized to act as such Judge by any Indian State or the Ruler thereof or the Central Government or the Crown Representative:

Provided that every warrant issued under this sub-section by any such tribunal shall, if the tribunal consists of more than one Judge, be signed by a Judge who is an officer of the British Government authorized as aforesaid.

## PART V.

### PERSONS UNDER SENTENCE OF PENAL SERVITUDE.

19. *Persons under sentence of penal servitude how to be dealt with.*—(1) Every person under sentence of penal servitude may be confined in such prison within the Province as the Provincial Government, by general order, directs, and may, while so confined, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons under sentence of rigorous imprisonment may, for the time being, by law be dealt with.

(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

20. *Enactments respecting persons under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude.*—Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall, so far as is consistent with this Act, be constructed to apply to persons under sentence of penal servitude.

21. *Power to grant license to person sentenced to penal servitude.*—(1) The Provincial Government may grant to any person under sentence of penal servitude a license to be at large within such part of the Province and during such portion of his term of penal servitude as may be specified in the license and upon such conditions as the Provincial Government may by general or special order prescribe.

(2) The Provincial Government may revoke or subject to such conditions alter any license granted under sub-section (1).

22. *Licensee to be allowed to go at large.*—So long as any license granted under section 21, sub-section (1), continues in force and unrevoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of the license.

23. *Apprehension of convict where license revoked.*—In case of the revocation of any such license as aforesaid, any Secretary to the Provincial Government may, by order in writing, signify to any Justice of the Peace or Magistrate that the license has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall issue his warrant accordingly.

24. *Execution of warrant.*—A warrant issued under section 23 may be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where it is executed.

25. *Licensee when arrested to be brought up for recommitment.*—(1) When the licensee, for whose arrest a warrant has been issued under section 23, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the licensee has been arrested.

(2) Such Justice or Magistrate as aforesaid shall thereupon make out a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the license.

26. *Recommitment.*—When a warrant has been issued under section 25, sub-section (2), the licensee shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

27. *Penalty for breach of condition of the license.*—If a license is granted under section 21 upon any condition specified therein, and the licensee—

29. *Removal of prisoners.*—(1) The Provincial Government may, by general or special order, provide for the removal of any prisoner confined in a prison—

- (a) under sentence of death, or
- (b) under, or in lieu of, a sentence of imprisonment or transportation, or
- (c) in default of payment of a fine, or
- (d) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison in the Province or with the consent of the Provincial Government concerned, to any prison in any other Province.

(2) Subject to the orders, and under the control of the Provincial Government, the Inspector-General of prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the province to any other prison in the province.

30. *Lunatic prisoners how to be dealt with.*—(1) Where it appears to the Provincial Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Provincial Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the Province, there to be kept and treated as the Provincial Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Provincial Government that the prisoner has become of sound mind, the Provincial Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the Province, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the Lunatic Asylums Act, 1858 (XXXVI of 1858), shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which the Provincial Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Province, the Provincial Government may order his removal to any such asylum or place within any other province or within any Indian State by agreement with the Provincial Government of such other Province or with

\* This section was substituted for the original section, by the Repealing and Amending Act, 1903 (No. 1 of 1903), Section 3, and Schedule II.

such State or the Ruler thereof as the case may be; and the provisions of this section respecting the custody, detention, remand, and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section.

31. *[Removal of prisoners from territories under one Provincial Government to territories under another.]*

*Repealed by the Repealing and Amending Act, 1903 (1 of 1903).*

## PART VII.

### PERSONS UNDER SENTENCE OF TRANSPORTATION.

32. *Appointment of places for confinement of persons under sentence of transportation and removal thereto.*—(1) The Provincial Government may appoint places within the Province to which persons under sentence of transportation shall be sent; and the Provincial Government, or some officer duly authorised in this behalf by the Provincial Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

(2) In any case in which the Provincial Government is competent under sub-section (1) to appoint places within the Provinces and to order the removal thereto of persons under sentence of transportation the Provincial Government may appoint such places in any other Province by agreement with the Provincial Government of that Province, and may by like agreement give orders or duly authorize some officer to give orders for the removal thereto of such persons.

## PART VIII.

### DISCHARGE OF PRISONERS.

33. *Release, on recognizance, by order of High Court, of prisoner recommended for pardon.*—Any Court which is a High Court for the purposes of the Government of India Act, 1935, may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

## PART IX.

### PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE.

#### *Attendance of Prisoners in Court.*

34. *References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.*—In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

35. *Power for Civil Courts to require appearance of prisoner to give evidence.*—Subject to the provisions of section 39, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the first schedule, directed to the officer in charge of the prison.

36. *District Judge in certain cases to countersign orders made under section 35.*—(1) Where an order under section 35 is made in any civil matter pending—

(a) in a Court subordinate to the District Judge, or

(b) in a Court of small Causes outside a Presidency-town,

it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by,—

(i) the District Judge to which the Court is subordinate, or

(ii) the District Judge within the local limits of whose jurisdiction the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under sub-section (1) shall be accompanied by a statement, under the hand of the Judge of the subordinate Court or Court of Small Causes, as the case may be, of the facts which in his opinion render the order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

37. *Power for certain Criminal Courts to require attendance of prisoner to give evidence or answer to charge.*—Subject to the provisions of section 39, any Criminal Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, or if a charge of an offence against such person is made or pending, make an order in the form set forth in the first or second schedule, as the case may be, directed to the officer in charge of the prison:

Provided that if such Criminal Court is inferior to the Court of a Magistrate of the 1st class, the order shall be submitted to, and countersigned by, the District Magistrate to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated.

38. *Order to be transmitted through Magistrate of the district or sub-division in which person is confined.*—Where any person, for whose attendance an order as in this Part provided is made, is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it is made or countersigned to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer in charge of the prison in which the person is confined.



39. *Procedure where removal is desired of person confined in Presidency-town or more than one hundred miles from place where evidence is required.*—(1) Where a person is confined in a prison within a Presidency-town, or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required, shall, if he thinks that such person should be removed under this Part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court may, if it thinks fit, make an order in the form set forth in the first schedule directed to the officer in charge of the prison.

(2) The High Court making an order under sub-section (1) shall send it to the District or Sub-divisional Magistrate within the local limits of whose jurisdiction the person named therein is confined, or, in the case of a person confined in a prison within a Presidency-town, to the Commissioner of Police, and such Magistrate or Commissioner shall cause it to be delivered to the officer in charge of the prison in which the person is confined.

40. *Persons confined beyond limits of appellate jurisdiction of High Court.*—Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he thinks that such person should be removed under this Part for the purpose of answering a charge of an offence or of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Provincial Government of the territories within which the prison is situate, and the Provincial Government may, if it thinks fit, direct that the person be so removed, subject to such rules regulating the escort of prisoners as the Provincial Government may prescribe.

41. *Prisoner to be brought up.*—Upon delivery of any order under this Part to the officer in charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or presiding officer of the Court authorizes him to be taken back to the prison in which he was confined.

District of Sub-divisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed; or

- (b) where the person named in any such order is under committal for trial; or
- (c) where the person named in any such order is under a remand pending trial or pending a preliminary investigation; or
- (d) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined;

the officer in charge of the prison shall abstain from carrying out the order, and shall send to the Court from which the order has been issued, a statement of the reason for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

- (i) the order has been made under section 37; and
- (ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed; and
- (iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

#### *Commissions for Examination of Prisoners.*

44. *Commissions for examination of prisoners.*—In any of the following cases, that is to say,—

- (a) where it appears to any Civil Court that the evidence of a person confined in any prison within the local limits of the appellate jurisdiction of such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in section 42 or section 43, cannot be removed, is material in any matter pending before it; or
- (b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than 10 miles distant from the place at which such Court is held, is material in any such matter; or
- (c) where the District Judge declines, under section 36, to countersign an order for removal;

the Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure (XIV of 1882), for the examination of the person in the prison in which he is confined.

45. *Commissions for examination of prisoners beyond limits of appellate jurisdiction of High Court.*—Where it appears to a High

Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court subordinate to it, the High Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure (XIV of 1882), for the examination of the person in the prison in which he is confined.

46. *Commission how to be directed.*—Every commission for the examination of a person issued under section 44 or section 45 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate, and the District Judge shall commit the execution of the commission to the officer in charge of the prison, or to such other person as he may think fit.

#### *Service of Process on Prisoners.*

47. *Process how served on prisoners.*—When any process directed to any person confined in any prison is issued from any Criminal or Revenue Court, it may be served by exhibiting to the officer in charge of the prison the original of the process and depositing with him a copy thereof.

48. *Process served to be transmitted at prisoner's request.*—(1) Every officer in charge of a prison upon whom service is made under section 47 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect that such person as aforesaid is confined in the prison under his charge and has been shown and had explained to him a copy of the process.

(2) Such certificate as aforesaid shall be *prima facie* evidence of the service of the process, and, if the person to whom the process is directed, requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer in charge of the prison shall cause it to be so sent.

#### *Miscellaneous.*

49. *Application of Part in certain cases.*—(1) For the purposes of this Part, the Courts of Small Causes established in the Presidency-towns and the Courts of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be.

\* \* \* \*

50. *Deposit of costs.*—No order in any civil matter shall be made by a Court under any of the provisions of this Part until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that, if upon any application for such order it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay

<sup>1</sup> Sub-sections (2) and (3) were repealed by the Lower Burma Courts Act, 1900 (VI of 1900), Section 43.

the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by the Provincial Government from any person ordered by the Court to pay the same, as if it were costs in a suit recoverable under the Code of Civil Procedure (XIV of 1882).

51. *Power to make rules under this Part.*—(1) The Provincial Government may make rules<sup>1</sup>—

- (a) for regulating the escort of prisoners to and from Courts in which their attendance is required and for their custody during the period of such attendance;
- (b) for regulating the amount to be allowed for the costs and charges of such escort; and
- (c) for the guidance of officers in all other matters connected with the enforcement of this Part.

(2) All rules made under sub-section (1) shall be published in the Official Gazette and shall, from the date of such publication, have the same force as if enacted by this Act.

52. *Power to declare who shall be deemed officer in charge of prison.*—The Provincial Government may declare what officer shall, for the purposes of this part, be deemed to be the officer in charge of a prison.

53.\*

## THE FIRST SCHEDULE.

(See Sections 35 and 37.)

Court of

To the officer in charge of the (state name of prison).

You are hereby required to produce \_\_\_\_\_, now a prisoner in \_\_\_\_\_, under safe and sure conduct before the Court of \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next by \_\_\_\_\_ of the clock in the forenoon of the same day, there to give evidence in a matter now pending before the said Court, and after the said \_\_\_\_\_ has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The \_\_\_\_\_ day of \_\_\_\_\_ .

A. B.

(Countersigned) C. D.

\* For rules made by the Chief Commissioner of Ajmer-Merwara, see Gazette of India, 1903, Part II, page 433.

\* The Third Schedule was repealed by section 3, Schedule II, of the Repealing and Amending Act, 1914 (X of 1914).

Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in any civil matter pending before it or before any Court subordinate to it, the High Court may, if it thinks fit, issue a commission, under the provisions of the Code of Civil Procedure (XIV of 1882), for the examination of the person in the prison in which he is confined.

46. *Commission how to be directed.*—Every commission for the examination of a person issued under section 44 or section 45 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate, and the District Judge shall commit the execution of the commission to the officer in charge of the prison, or to such other person as he may think fit.

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(2) Such certificate as aforesaid shall be *prima facie* evidence of the service of the process, and, if the person to whom the process is directed, requests that the copy shown and explained to him be sent to any other person and provides the cost of sending it by post, the officer in charge of the prison shall cause it to be so sent.

#### *Miscellaneous.*

49. *Application of Part in certain cases.*—(1) For the purposes of this Part, the Courts of Small Causes established in the Presidency-towns and the Courts of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or Bombay, as the case may be.

\*     \*     \*     \*     \*

50. *Deposit of costs.*—No order in any civil matter shall be made by a Court under any of the provisions of this Part until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that, if upon any application for such order it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay

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<sup>1</sup> Sub-sections (2) and (3) were repealed by the Lower Burma Courts Act, 1900 (VI of 1900), Section 43.

# A

## Manual for the Management of Jails in Ajmer-Merwara 1936

### CHAPTER I.

#### CLASSIFICATION AND ESTABLISHMENT.

1. The Ajmer Jail is a Central Prison.
2. Unless otherwise ordered by the Provincial Government in any individual case or cases, all prisoners sentenced to simple or rigorous imprisonment or to transportation for life or a term, and Under-trial and Civil Prisoners are confined in the Ajmer Central Prison.
3. The Commissioner and District Magistrate of Ajmer-Merwara, has been appointed *ex-officio* Inspector-General of Prisons.
4. The establishment of the Jail shall ordinarily consist of:—
 

1 Superintendent.	2 Gate-Keepers.
1 Jailer.	45 Male Warders.
1 Deputy Jailer.	1 Sub-Assistant Surgeon.
1 Assistant Jailer.	1 Compounder.
1 Clerk.	1 Female Warder.
1 Chief Head Warder.	1 Dyeing Master.
3 Head Warders.	
5. The Civil Surgeon of Ajmer-Merwara shall be the Superintendent and Medical Officer of the Ajmer Central Prison.
6. (a) When the Superintendent is absent on duty or casual leave, the Additional Civil Surgeon shall, subject to the approval of the Commissioner of Ajmer-Merwara, hold executive and medical charge of the prison. But the Commissioner may, if circumstances so require, appoint the Assistant Commissioner, to the executive charge and the Additional Civil Surgeon or the Assistant Surgeon in charge of the district hospital to the medical charge of the prison.
- (b) When the office of Superintendent is vacant, the Commissioner of Ajmer-Merwara shall make necessary arrangements for the executive and medical charge of the Prison, reporting his action to the Provincial Government.
7. A candidate for appointment to an executive or clerical post not already in government service shall—
  - (1) be not less than 21 and not more than 25 years of age;
  - (2) have passed the High School or Matriculation or a higher examination;

## THE SECOND SCHEDULE.

(See Section 37.)

Court of

To the officer in charge of the (state name of prison).

You are hereby required to produce , now a prisoner in  
 , under safe and sure conduct before the  
 Court of at on the day of  
 next by of the clock in the forenoon  
 of the same day, there to answer a charge now pending before the said  
 Court, and after such charge has been disposed of or the said Court has  
 dispensed with his further attendance, cause him to be conveyed under  
 safe and sure conduct back to the said prison.

The day of

A. B.

(Countersigned) C. D.

# A

## Manual for the Management of Jails in Ajmer-Merwara 1936

### CHAPTER I.

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4. The establishment of the Jail shall ordinarily consist of:—
 

1 Superintendent. 1 Jailer. 1 Deputy Jailer. 1 Assistant Jailer. 1 Clerk. 1 Chief Head Warder. 3 Head Warders.	2 Gate-Keepers. 45 Male Warders. 1 Sub-Assistant Surgeon. 1 Compounder. 1 Female Warder. 1 Dyeing Master.
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5. The Civil Surgeon of Ajmer-Merwara shall be the Superintendent and Medical Officer of the Ajmer Central Prison.
6. (a) When the Superintendent is absent on duty or casual leave, the Additional Civil Surgeon shall, subject to the approval of the Commissioner of Ajmer-Merwara, hold executive and medical charge of the prison. But the Commissioner may, if circumstances so require, appoint the Assistant Commissioner, to the executive charge and the Additional Civil Surgeon or the Assistant Surgeon in charge of the district hospital to the medical charge of the prison.
- (b) When the office of Superintendent is vacant, the Commissioner of Ajmer-Merwara shall make necessary arrangements for the executive and medical charge of the Prison, reporting his action to the Provincial Government.
7. A candidate for appointment to an executive or clerical post not already in government service shall—
  - (1) be not less than 21 and not more than 25 years of age;
  - (2) have passed the High School or Matriculation or a higher examination;



- (3) be not less than 5' 6" in height and have a chest measurement of not less than 32 inches.

8. A candidate selected for appointment to an executive or a clerical post shall be required to undergo instruction in the duties of subordinate officials and will not be posted for duty until the Superintendent has reported that he is satisfied of the candidate's fitness for an appointment. A candidate will receive no remuneration during the period of training.

NOTE.—The Inspector-General in consultation with the Inspector-General of Prisons, United Provinces, may arrange for his training to be undergone in a central prison in those Provinces.

9. (a) The Superintendent is the authority empowered to appoint warders.

(b) The following rules regulate the recruitment of male warders:—

- (1) Warders shall be recruited from the races which supply the Army and the Police, care being taken that a due proportion of the various races and castes is preserved.
- (2) Every man enlisted must be physically fit, must possess normal vision in both eyes, and must not be under 18 or over 25 years of age. He must be of good physique. No recruit shall be enrolled unless he attains the standard minimum height and chest measurements prescribed for recruitment to the Indian Army of the particular class to which he belongs.
- (3) (i) The warders shall be recruited as far as possible from the combatant soldiers of the Indian Army who have been pensioned or who have left the army after at least three years' combatant service. No such soldier shall be taken on whose age is more than 45 years, if a pensioner, or more than 35 years if a short-service soldier.
- (ii) Indian army reservists may be recruited, provided that:—
  - (a) The age is not over 35 years;
  - (b) They belong to class B of the reserves, or, if not, that they are transferred to class B on appointment to prison service;
  - (c) The number of such reservists shall not exceed 25 per cent. of the cadre. The army authorities require that reservists shall be fully trained in drill and fire a musketry course each year and that they will be released immediately mobilisation is ordered to enable them to rejoin colours;
- (4) Preference shall be given to men who can read and write, and to ex-military men.
- (5) The character and antecedents of candidates for wardership shall be verified through the Police department. This also applies to temporary and extra warders.
- (6) The Superintendent shall see that all new warders are instructed in squad and company drill, that they are conver-

sant with the use of arms and are acquainted with all rules and orders connected with efficient discharge of their duties. The Superintendent shall prepare a regular programme of instruction which shall be carried out under the Chief Head Warder of the Prison.

- (7) No recruit shall be taken otherwise than in accordance with these rules, except with the sanction of the Inspector-General of Prisons.

10. The Chief Medical Officer, Rajputana, controls the appointment, transfer and punishment of the Sub-Assistant Surgeon and Compounder.

11. The Superintendent is the authority empowered to appoint the Dyeing Master who shall possess a certificate of having received instruction in a recognised institution.

## CHAPTER II.

## THE INSPECTOR-GENERAL OF PRISONS.

12. The Inspector-General shall be the officer who shall arrange for the shelter and safe custody of prisoners in temporary prisons under Section 7 of the Prisons Act, 1894. Before making any such arrangement he shall make a report of the circumstances and of his proposals to Government:

Provided that when the circumstances make delay clearly undesirable, the Inspector-General shall upon his own responsibility take such action as he deems to be necessary, and shall report to Government as soon thereafter as may be.

13. The Inspector-General shall exercise, subject to the orders of the Provincial Government, the general control and Superintendence of the Ajmer Central Prison (Section 5 of the Prisons Act).

14. The Inspector-General, in his discretion may issue, from time to time, detailed directions as to the manner in which the order, discipline and control prescribed in the Jail Manual, shall be maintained. It shall be his duty to issue, from time to time, such addenda and corrigenda to the Jail Manual as may be found necessary, with the previous sanction of the Provincial Government.

15. The Inspector-General shall submit to the Provincial Government the proposals of any important step he may consider necessary to take affecting the discipline and management of the Prison.

16. The Inspector-General shall be the medium of communication between the Provincial Government and the Superintendent of the Prison.

17. When any escape or disturbance or any other unusual or serious occurrence has taken place in the Prison, the Inspector-General shall report the same to the Provincial Government and the action taken along with his recommendations as to the action if any which should be taken with reference to the conduct of any officer or officers concerned in the affair or any defects in the system of Prison discipline.

18. For the powers of the Inspector-General to sanction certain punishments to prisoners, refer to the chapter "Offences and Punishments".

19. The Inspector-General is the appointing authority for the Jailer, Deputy Jailer, Assistant Jailer and the Clerk. His powers of punishment to the subordinate prison officers and hearing of appeals are given in chapter "General Duties of officers".

20. The Inspector-General is authorised to arrange for the training of the Jailer or any other subordinate officer, in any prison in another province, in consultation with the Inspector-General of the province concerned and with the sanction of the Provincial Government.

21. The Inspector-General may grant leave of any kind to the Jailer, Deputy Jailer, Assistant Jailer and the Clerk under the Fundamental Rules.

22. The Inspector-General may sanction extensions of service to non-gazetted government servants in accordance with the provisions of the Fundamental Rules.

23. The Inspector-General may sanction the appointment of convict night watchmen or convict overseers who are not eligible under the rules. All appointments of convict warders require his previous sanction.

24. The Inspector-General shall inspect the Ajmer Central Prison at least once in a quarter. At each inspection he shall satisfy himself that the provisions of the Prisons Act, 1894, and all rules contained in the Jail Manual or other departmental circulars and government orders are duly carried into effect by the Superintendent and the subordinate staff. He shall record his observations, suggestions and orders for the guidance of the Superintendent who shall report in writing to the Inspector-General the action taken on each order or suggestion.

25. The Inspector-General may pass such orders on the Inspection Reports of Visitors to the Prison as he may deem necessary.

26. The Inspector-General shall submit to the Provincial Government not later than 1st September every year a detailed report on the administration of the Ajmer Central Prison for the previous calendar year for inclusion in the Administration Report of Ajmer-Merwara, with the prescribed statements.

27. The powers of the Inspector-General in matter of transfer of prisoners from and to other provinces are given in the chapter "Transfer of Prisoners".

28. For the powers of the Inspector-General to sanction re-admission of convicts to the remission system and to grant special remissions, refer to the chapter "Good Conduct Remission Rules".

29. No additions or alterations in the prison buildings shall be undertaken and no plans or estimates shall be prepared by the Superintendent without proper sanction.

30. The Inspector-General is the controlling authority for all expenditure incurred in the department and debitable to the Jail Budget, subject to the rules and regulations contained in the Civil Account Codes.

31. The Inspector-General may sanction the transfer of funds between different heads of the Jail Budget, subject to the provisions of the regulations affecting budgets.

32. The Inspector-General may sanction any item of contingent expenditure provided in the budget but the sanction of Government shall be obtained to all special and unusual charges and those charges for which a distinct provision has not been made in the budget.

33. The Inspector-General may, within the powers delegated to him, authorize purchase of (1) books for the instruction of juvenile convicts in elementary education and (2) literature suitable for other prisoners.

NOTE.—For rules relating to the issue of books to prisoners from the Prison Library, refer to paragraph 484 of the chapter "Admission of Prisoners".

34. (a) The Inspector-General shall scrutinize and pass Indents for arms and ammunition required for the Ajmer Central Prison and transmit them to the Ordnance officer concerned after counter-signature.

(b) He shall likewise check and pass the Indent for stationery and transmit it to the Deputy Controller of Stationery, Calcutta.

35. The Inspector-General shall scrutinize all bills of expenditure and forward them to the Accountant General, Central Revenues.

36. The Inspector-General may write off the irrecoverable value of stores or public money lost by fraud or the negligence of individuals or other causes up to a limit of Rs. 200: provided that the loss does not disclose:—

- (i) a defect of system the amendment of which requires the orders of Government; or
- (ii) serious negligence on the part of some individual officer or officers which might possibly call for disciplinary action requiring the orders of Government.

37. The Inspector-General shall pass orders on the audit inspection note of the auditors of the office of the Accountant General, Central Revenues, submitting to the Provincial Government such matters as require its orders or a change in the rules of account.

## CHAPTER III.

### THE SUPERINTENDENT AND MEDICAL OFFICER.

38. (a) The general duties of the Superintendent of the prison are defined in section 11 of the Prisons Act, 1894.

(b) The duties of the Superintendent in regard to offences and punishments, admissions and release, deaths, executions, accounts, etc., are prescribed in the chapters of this Manual dealing with those subjects.

39. The Superintendent shall freely communicate with the Inspector-General of Prisons with regard to all matters relating to his prison, and shall report all important occurrences such as serious breaches of prison discipline, escapes, attempts to escape, outbreaks, suicides, unusual or epidemic diseases, serious assaults or the like. In case of any emergency not sufficiently provided for in the rules the Superintendent shall apply to the Inspector-General of Prisons and conform to his orders, acting, in the meantime, to the best of his own judgment.

40. The Superintendent shall make himself thoroughly acquainted with the provisions of the Prisons Act, 1894, the Prisoners Act, 1900, and the rules contained in this Manual.

41. The Superintendent shall maintain a "Superintendent's order book", and shall enter therein all his orders relative to the management and discipline of the prison, and shall satisfy himself that every such order is duly carried into effect. All officials entrusted in any way with the execution of any such order shall sign the order book in acknowledgment of having seen and received the order.

42. The Superintendent shall record in his order book the distribution of duties and registers among the subordinate officers of the executive, clerical and other staff in such a way that responsibility for errors, dereliction of duty and defalcations may be fixed with precision.

43. The Superintendent shall on all occasions be ready to inquire into any complaints and to listen to any application from a prisoner.

44. The Superintendent shall use his discretion in ordering such special precautions as may be necessary to be taken for the safety of any important prisoner, whether or not he has received any warning from the magistrate. As the Superintendent is the sole judge of what measures are necessary for the safety of a prisoner he will be held responsible for seeing that the precautions are reasonably sufficient for the purpose.

45. (a) The Superintendent shall visit the prison at least twice a week (on Mondays and Thursdays) and on any other days when special circumstances render it necessary that he should do so. He shall record in his order book any failure to comply with this rule, together with the cause thereof.

(b) The Superintendent shall see every prisoner who is in solitary or separate confinement on each of his visits.

At least once a month he shall visit the prison at night and record a report in the order book, in which he shall mention the time of his visit and shall state whether night guarding was being properly performed and whether he found that everything was in order.

The Superintendent shall once a month require all prison officers to turn out with their arms and shall satisfy himself that they are proficient in their use and that the arms are clean and in serviceable order.

47. The Superintendent shall hold a parade of all prisoners in the prison ordinarily on the first Monday of each month. At each such parade the Superintendent shall satisfy himself—

- (a) that every prisoner is properly classified;
- (b) that every prisoner is provided with proper clothing and bedding;
- (c) that the prisoners understand the remission rules;
- (d) generally that the rules and orders applicable to prisoners are being carried out.

He shall at every such parade hear, inquire into and pass orders on any complaints that the prisoners may make.

*NOTE.*—Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at any time in accordance with the provisions of paragraph 43.

48. At the Superintendent's parade, the prisoners shall parade with their complete issue of clothing and bedding. The various classes of prisoners shall be paraded separately.

49. The Superintendent shall visit the Hospital frequently and shall see that proper arrangements are made for the safe custody of sick prisoners, and that prison discipline is maintained as far as is consistent with the medical treatment prescribed.

50. (a) He shall inspect the barracks, yards, cells, and every other part of the prison at least once a month.

(b) The Superintendent shall be responsible for seeing that the whole area of the prison and its buildings, the persons, clothing and bedding of the prisoners, and all furniture, utensils and other articles in use in the prison are kept in the highest possible condition of cleanliness.

(c) The Superintendent shall direct every precaution necessary to be taken for preventing escape, and shall cause a daily examination to be made of the cells, doors, windows, bars, bolts, locks, fetters, handcuffs, fastenings, etc., and shall require the Jailer to report daily that all are right.

51. The Superintendent shall take all necessary precautions to prevent overcrowding in any barrack. In the event of the prison being full, he shall immediately report to the Inspector-General of Prisons, and shall adopt such temporary measures as the case requires.

52. The Superintendent shall inspect frequently the rations prepared for issue to the prisoners, and shall satisfy himself that they are of good quality and of proper weight. He shall be present at food distribution parades as often as possible, and shall inquire into any complaints made by prisoners concerning their food.

63. The Superintendent shall see that proper precautions are adopted to prevent damage by fire to prison buildings and Government property therein contained.

64. The Superintendent shall cause the rules relating to appeals, offences and punishments and remission of sentences to be affixed on the wall of each barrack, and shall also cause these rules to be read and explained to prisoners as soon as possible after their admission into the prison.

65. The Superintendent shall not institute a civil suit for the recovery of Government money without the sanction of the Inspector-General of Prisons.

*The Medical Officer.*

56. The Medical Officer shall be responsible for all matters connected with the health, physical and mental, of the prisoners and the general hygiene of the prison, especially as regards diet, clothing, work and punishments as well as the treatment of the sick.

57. The Medical Officer shall report to the Superintendent for communication to the Inspector-General of Prisons, any circumstances connected with the prison or the treatment of the prisoners which shall at any time appear to him to require consideration on medical grounds.

58. The Medical Officer shall examine every prisoner as soon as possible after admission, and shall enter in the prescribed register a record of the state of the prisoner's health and of any wounds or marks of injury on his person, the class of labour for which he is fit, if he is sentenced to imprisonment with labour, and any other observations which he considers necessary. He shall verify the correctness of the records made by the Sub-Assistant Surgeon in the Jailer's report book of wounds and marks of injuries on the persons of prisoners admitted to prison since his last visit.

59. The Medical Officer shall visit the prison and shall see the sick prisoners twice a week and whenever the condition of any prisoner or any other circumstance renders his presence necessary.

60. The Medical Officer shall see all prisoners on the monthly parade. He shall observe their general state of health, and ascertain that they are clean in their persons and free from disease. He shall examine the records of prisoners' weighments and satisfy himself that the weighments are properly carried out and recorded and that the prisoners clean their teeth and mouths regularly and that facilities for this purpose are provided. He shall examine all prisoners who have materially lost weight.

61. The Medical Officer shall vaccinate or cause to be vaccinated at the proper season every prisoner admitted to prison, unless he is satisfied that such prisoner is already protected against small-pox; provided that he shall have discretion to dispense with vaccination or re-vaccination in any case in which he considers it undesirable or unnecessary.

62. The Medical Officer shall prescribe such modification of diet or such addition of clothing as may in each case be necessary for weakly prisoners.

63. Prisoners in the infirm and convalescent gangs shall be given such light labour and extra articles of diet and clothing as the Medical



Officer considers necessary. The medical officer shall inspect the infirm gang once a month.

64. The Medical Officer shall place in the infirm gang all old and infirm prisoners, and in the convalescent gang all prisoners who are recovering from serious illness or are otherwise out of condition. Infirm gangs shall be kept within the hospital enclosure, and the prisoners shall be allowed to remain in their barracks for one hour after unlocking and two hours at midday.

65. The Medical Officer shall give directions in writing for the immediate separation of any prisoner suspected of having infectious or contagious disease, and for cleaning and disinfecting any place occupied by such prisoner, as well as for disinfecting or destroying by fire all infected bedding and clothing.

66. The Medical Officer shall place all sick prisoners who from gravity or the nature of their illness require attendance and nursing at night in a separate ward of which the Sub-Assistant Surgeon on duty shall have the key.

67. (a) On the advice of the Medical Officer, the Superintendent may remove to the Victoria Hospital any prisoner who is suffering from disease which cannot be properly treated in the prison or who should undergo a surgical operation which cannot be properly performed in the prison.

(b) A patient should not be removed to the Victoria Hospital from the prison until immediately prior to the operation or the treatment.

(c) The Superintendent shall, when sending the patient, inform the Victoria Hospital authorities that the patient is still under legal custody.

(d) Whenever a prisoner is transferred to the Victoria Hospital under the above rules, the Superintendent shall arrange for the necessary guard for watch and ward over the prisoner.

(e) The Superintendent shall arrange with the Victoria Hospital authorities for the removal of the patient to the Prison Hospital for his convalescence. It is important with a view to preventing escapes or other misconduct that the early return of such patients should be arranged for.

68. The Medical Officer shall inspect the cook-house at frequent intervals, and at such inspections he shall examine uncooked rations and test the weight and quality of the cooked rations.

69. The Medical Officer shall visit at each visit every prisoner in solitary or separate confinement.

70. At least once in a month the Medical Officer shall inspect every part of the Prison and all premises belonging or attached to it, and shall satisfy himself that nothing exists therein which is likely to be injurious to the health of the prisoners. He shall particularly examine the drainage, water-supply and conservancy arrangements and see that arrangements for the ventilation of sleeping barracks, workshops, cells, etc., are satisfactory.

71. When the Medical Officer considers that a prisoner should on medical grounds be provided with a *punkha* during the hot weather, he may arrange to provide the same.

72. The Medical Officer shall see that the prescribed hospital registers are written up daily, and shall initial the entries. He shall punctually submit the prescribed returns, and shall furnish any other information regarding the medical administration of the prison which the Inspector-General of Prisons may require.

73. The Medical Officer shall cause to be maintained a bed-head ticket for each patient admitted to hospital on which shall be entered daily a short note of the symptoms, treatment and diet. Temperature charts shall be maintained when necessary.

74. The Medical Officer shall examine the medicines kept in store, testing by weight or measurement the quantities entered in the stock book. He shall be responsible that all medicines, instruments and hospital stores purchased for the prison are duly and faithfully expended for the use of the prison. He shall once in a quarter examine all the surgical instruments and see that they are carefully kept. All indents for medicines and hospital equipment shall be scrutinized and signed by the Medical Officer.

75. The Medical Officer shall see that each patient is supplied with a pillow, a pillow case, a mattress, two bed-sheets, a spittoon, and such quantity of woollen and cotton clothing as may be necessary.

76. The Medical Officer shall take measures to ensure the cleanliness of the clothing and bedding issued for hospital use, and shall make effective arrangements for the boiling, washing and disinfection of these articles.

77. Whenever the mortality in the prison during any month exceeds 4 per cent. per annum, the Medical Officer shall record on the monthly return an explanation of the cause of excess, adding any observation he may have to offer thereon; and in cases of very unusual mortality he shall make a special report on the subject for transmission to the Provincial Government through the Inspector-General of Prisons.

78. In all cases of sudden or unnatural death, or whenever any doubt or question or complaint regarding cause of death arises, the Medical Officer shall conduct a *post-mortem* examination and shall record in the prescribed register a full report of the case and the cause of the death as determined by his examination.

79. The Medical Officer shall carefully observe the provisions of the Prisons Act, 1894 of which sections 13, 14, 15, 24 (2), 26, 35, 38 and 50 relate particularly to his duties.

His duties in connection with—

- (a) the examination of prisoners sentenced to certain punishments and his attendance at corporal punishments,
- (b) recommendations for release on account of sickness,
- (c) the control of infectious diseases and epidemics, and
- (d) deaths and burials

will be found in the appropriate chapters of this Manual.

## CHAPTER IV.

## THE SUB-ASSISTANT SURGEON AND COMPOUNDER.

80. The Sub-Assistant Surgeon shall be under the orders of the Medical Officer in all matters connected with the care of the sick and other technical duties, but shall be subject to the orders of the Superintendent and the Jailer in all matters connected with the maintenance of order and discipline and with the general management of the prison.

81. The Sub-Assistant Surgeon shall, under the directions of the Medical Officer, attend prison officers and their families without charge and as a part of his regular duty.

82. The Sub-Assistant Surgeon shall ordinarily attend the prison from 7 a.m. to 10 a.m. and again from 3 p.m. until locking up. He must be ready to attend at other times when his services are called for. He shall visit the hospital at night when necessary, and shall see that all serious cases receive the prescribed medicine and food.

83. (a) The Sub-Assistant Surgeon shall not engage in private practice of any kind.

(b) The Sub-Assistant Surgeon is entitled to a special pay of Rs. 15 per mensem, provided that his work has been in every way satisfactory. This allowance may be withheld for any month during which the work of the Sub-Assistant Surgeon is considered unsatisfactory by the Superintendent.

84. The Sub-Assistant Surgeon shall accompany the Medical Officer on his visits to the prison and at the monthly parades. He shall take note of all orders given by the Medical Officer and shall comply with them. He shall enter in his report book for the orders of the Medical Officer all occurrences of importance connected with his charge, and all defects he has observed or other matters he has noticed affecting the sanitation of the prison or health of the prisoners.

85. The Sub-Assistant Surgeon shall in company with the Jailer examine all prisoners received in the prison as soon as possible after their admission, and shall record the result of his examination in the Jailer's report book.

86. The Sub-Assistant Surgeon shall vaccinate prisoners and infants residing inside the prison and on prison premises under the orders of the Medical Officer.

87. The Sub-Assistant Surgeon shall personally superintend the fortnightly weighing of prisoners and shall record each prisoner's weight on his history-ticket. He shall parade before the Medical Officer all prisoners who are losing weight.

88. (a) The Sub-Assistant Surgeon shall without delay report to the Medical Officer every death that occurs in the Prison.

(b) The Sub-Assistant Surgeon shall inform the Medical Officer of any cases of suspected cholera or other infectious diseases or dangerous illness.

89. The Sub-Assistant Surgeon shall be responsible for the maintenance of order and discipline and the safe custody of the prisoners in the hospital; and that the yards and buildings of the hospital are kept

locked and properly secured and shall assure himself of the cleanliness of all barracks, godowns, cells, latrines, etc., in the hospital enclosure.

90. (a) The Sub-Assistant Surgeon shall attend to the out-patients attending the hospital and supervise the preparation and issue of medicines.

(b) The Sub-Assistant Surgeon shall attend to all surgical cases and see that the dressings and bandages are clean, of good quality and properly applied.

91. The Sub-Assistant Surgeon shall visit at once all prisoners complaining of sickness and give them such treatment as may be necessary. He will admit urgent cases at once into the hospital and bring them to the notice of the Medical Officer at his next visit.

92. The Sub-Assistant Surgeon shall give a receipt to the Jailer or other executive officer for all prisoners detained or admitted by him into the hospital and supply them with hospital clothing and other articles of equipment according to requirements. He shall make over all prisoners discharged from hospital directly to the Jailer or other executive officer and shall take a receipt for each prisoner.

93. The Sub-Assistant Surgeon shall enter in the hospital bed-head ticket notes of the condition and progress of each case, and shall see that all patients receive medicines and other medical attendance correctly at the proper time.

94. The Sub-Assistant Surgeon shall arrange for the evacuations of prisoners suffering from bowel complaints to be kept in suitably protected receptacles in the stool inspection chamber for the Medical Officer's inspection, and for their subsequent disinfection and disposal.

95. The Sub-Assistant Surgeon will supervise the food and diet for the sick and for the prisoners of the infirm and convalescent gangs and shall prepare and send to the Jailer a diet requisition in the prescribed form, showing the number of prisoners in hospital and in infirm and convalescent gangs, and the rations required for them. He shall receive the rations from the grain store-keeper, and shall be responsible for their quality and quantity.

96. The prison clothing of every prisoner admitted to hospital shall be disinfected, boiled, washed and repaired before being placed in the store room.

97. The Sub-Assistant Surgeon shall maintain all hospital registers and prepare and despatch all indents, monthly and other returns on the prescribed dates.

98. The Sub-Assistant Surgeon shall be responsible for the safe custody of the medicines, surgical instruments and hospital equipment of all kinds. He shall keep the medicine almirah locked. He shall keep the poisons in a separately locked almirah, which shall be inaccessible to any prisoner working as sick attendant, and shall keep the key of that almirah in his own charge.

99. The Sub-Assistant Surgeon shall train suitable prisoners for duty as attendants for serious cases and see that the hospital attendants and other staff perform their duties efficiently and regularly.

## 100. The Sub-Assistant Surgeon shall—

- (a) make a round of the prison daily, visiting all workshops and working gangs and personally inquiring from the warder in charge if his services are required. He shall see the prisoners in the cells daily;
- (b) inspect latrines, trenching grounds, drains, etc., and note all sanitary defects;
- (c) periodically examine the wells, tanks and other sources of supply and bring to notice any deficiency in the supply or likelihood of the water being polluted; and
- (d) visit the prison officials' quarters twice a week and record the result in the hospital report book.

101. The Sub-Assistant Surgeon shall inspect all supplies, including meat and milk supplied for consumption in the hospital. He shall check the weight of all oil, salt and condiments which form part of prisoners' diet. He shall cause them to be boiled and added to the food morning and evening and test the quality and weight of rations in the cook-house.

102. The Compounder shall work under the orders of the Medical Officer and the Medical subordinate in matters connected with the Medical Work of the Jail, and of the Superintendent and the Jailer in other matters. He shall help the Medical subordinate in compounding and distributing medicines, taking temperatures and weighing prisoners. He shall come to Jail at unlocking and remain upto 10-30 a.m. He shall return at 3 p.m. and shall remain on duty until locking up. He shall be ready at other times also whenever his services are called for.

## CHAPTER V.

## GENERAL DUTIES OF OFFICERS.

103. With the exception of the Superintendent and Medical Officer, all officers employed in the prison are subordinate to the Jailer and are prison officers subordinate to him within the meaning of section 54 of the Prisons Act, 1894.

104. No prison officer shall be confirmed in a first appointment until he has worked satisfactorily on probation for six months, or for such longer period as the Inspector-General of Prisons may direct.

105. (a) Any officer of the prison who is unable by reason of illness or from any other cause to attend to the regular performance of his duties, shall give or send notice to the Jailer.

(b) The Superintendent may grant any prison officer who is sick, leave for a period not exceeding fifteen days; but after the expiry of this period any further leave must be sanctioned in accordance with the Fundamental Rules.

106. The Superintendent may grant leave of absence to such officials as can be spared on Sundays and other Prison Holidays.

107. Members of the upper subordinate establishment, Head Warders and the Dyeing Master shall execute a security bond in the prescribed form. The bond is exempt from stamp duty.

108. The maximum amount of security required shall be one year's maximum salary. Deductions shall be made monthly from the pay at the rate of 10 per cent. of the month's pay until the full amount specified in the bond has been deposited.

109. (a) A post office savings bank account shall be opened for each officer and a pass book obtained: the amount of the deposits being pledged to the Superintendent of the prison in the form prescribed for security deposit pledges in the post office savings bank rules. The deductions made under the preceding paragraph shall be deposited monthly in the respective accounts, and each officer shall be required to sign monthly the balance appearing in the security deposit register.

(b) Post office cash certificates may, with the permission of the Superintendent, be accepted as securities under the rules of the postal department.

110. Withdrawals from security accounts may be made under the authority of the Superintendent: Refunds of security deposits to the heirs of a deceased Jail officer shall be made in accordance with the rules published in the postal guide. The Superintendent shall afford assistance in every way to the postal authorities in order to expedite payment to the claimant.

111. The post office savings bank pass books must be kept in the treasure chest, and the Jailer is personally responsible for their safe custody.

112. No prison officer shall directly or indirectly engage in any trade, business or employment other than his legitimate duties.

113. No prison officer shall directly or indirectly be concerned in any contract or agreement for the supply of any article to the prison; nor receive directly or indirectly any fee, gratuity, present or loan from any contractor or supplier, or from any prisoner, prisoners' friend or any person visiting the prison.

114. If any officer of the prison is in any way related to or connected with another officer employed in the prison, or with any prisoner confined in the prison, he shall forthwith report the fact to the Superintendent.

115. No officer of the prison shall feed or keep any animals, including horses, cattle, sheep or goats, without the written permission of the Superintendent, and then only for his own or his family's use or consumption.

116. (a) Every officer of the prison for whom residential quarters are provided shall reside therein.

(b) No officer occupying prison quarters shall permit any person not being a regular member of his family to remain for the night in his quarters without the permission of the Superintendent or the Jailer.

117. No officer of the prison other than the Superintendent shall give any information to the public press or converse with persons not employed in the prison regarding any occurrence taking place in or connected with the prison.

118. Every officer of the prison shall at all times treat his superiors with respect, and shall see that the prisoners show no disrespect to any one visiting the prison.

119. Every officer of the prison shall assist the Superintendent in maintaining order and discipline among the prisoners.

120. Every prison officer shall treat the prisoners with good temper, humanity and strict impartiality and shall listen to and report any complaint or grievance, while at the same time maintaining strict discipline and enforcing observance of the rules and regulations.

121. An officer shall not strike any prisoner otherwise than unavoidably in self-defence or in the last resort to prevent a violent disturbance. He shall in either case use no more force than is absolutely necessary.

122. No officer of the prison shall unnecessarily converse with a prisoner or allow any familiarity on the part of prisoners towards himself or any other officer of the prison; nor shall he on any account speak of his duties or of any matter of discipline or of prison arrangement with or within the hearing of a prisoner.

123. All officers are prohibited from employing any prisoner directly or indirectly for their own private benefit or advantage or that of any other person.

124. Every officer of the prison while on duty shall remain within such limits as are fixed for his post by the Superintendent or the Jailer. It shall be his duty on relief to inform the officer relieving him of all matters of special importance concerning his charge, and of any directions he may have received regarding any particular prisoner.

125. Every prison officer shall make himself acquainted with the rules and regulations relating to his post.

126. (a) No male officer shall at any time enter any enclosure reserved for female prisoners unless accompanied by another male officer.

(b) No officer shall enter a cell occupied by a prisoner at night unless accompanied by another officer, and then only in case of emergency.

127. It shall be the duty of every officer of the prison to exercise the utmost vigilance at all times, and by all lawful means to prevent escapes, outbreaks, traffic in forbidden articles and illicit communication between prisoners and their friends.

128. All officers shall be watchful to detect and prevent any person secreting prohibited articles for the prisoners about the prison, and shall immediately apprehend and bring before the Superintendent or Jailer without delay any suspicious person found loitering about the prison.

129. In exercise of the powers conferred by clauses (f) and (t) of section 60 of the Prisons Act, 1894, the Provincial Government has declared the articles specified below as articles the introduction or removal, of which into or out of the prison, and the supply or attempted supply of which to any prisoner outside the limits of the prison, without due authority, are prohibited under section 42 of the said Act:—

- (1) spirituous or fermented liquors of any kind;
- (2) opium, preparations of opium or intoxicating drugs, except when authorised by Medical Officer;
- (3) knives, arms, ropes, string, bamboos, ladders, sticks, any article likely to facilitate escape, or implements of any kind;
- (4) materials or implements for smoking, chewing or snuffing, such as tobacco, pipes, etc. (except as specially permitted by the prison rules);
- (5) poisonous articles or materials, materials for making fire, or materials which would cause disfigurement;
- (6) money, currency notes, valuable securities, jewellery or ornaments of any kind;
- (7) books, printed matter, letters, or writing materials of any kind other than religious books or specially authorised publications;
- (8) any other article not expressly provided by Government for the health, discipline, clothing, dieting and use of prisoners, or not allowed for the use of prison officials or of persons other than prisoners or prison officials employed in connection with the prison.

130. Any officer of the prison who shall be guilty of any of the following acts or omissions shall be held to have violated or neglected his duties, and is liable to be prosecuted under section 54 of the Prisons Act, 1894, or to be punished departmentally:—

- (1) sleeping while on duty by day or by night;
- (2) neglecting to arrange for the safe custody of ladders, bamboos or anything likely to facilitate the escape of a



prisoner; allowing tools and implements to lie about out of their appointed places, or neglecting to lock them up under the regulations of the prison;

- (3) leaving prisoners within or without the prison unattended by an officer or other authorized person, or allowing prisoners to leave their work or their files unattended on any pretext whatever;
- (4) leaving a cell or principal door unlocked or leaving the keys in a door or lying about;
- (5) entering an occupied cell at night, except in emergency;
- (6) wilfully neglecting to report the wish of a prisoner to see the Superintendent of the prison, the Medical Officer or other official visitors;
- (7) permitting persons unconnected with the prison to hold communication with a prisoner either within or without the prison walls, or allowing strangers to enter any buildings occupied by prisoners or to mingle with them while at work or on the march unless under sanction of proper authority;
- (8) neglecting to examine the fastenings of any buildings or of any prisoners, or any other fastenings committed to his charge, and to search wards, cells and persons of prisoners committed to his charge;
- (9) omitting to count the prisoners under his charge going to and returning from their work, and at such other intermediate times as the Superintendent may direct;
- (10) wilful disobedience of, or neglect to carry out any lawful order given to him by competent authority.

131. Every officer shall forthwith report to the Superintendent or other superior officer any misconduct or breach of any prison rule or any rule or regulation on the part of any officer or of any prisoner which shall in any way come to his knowledge.

132. Any prison officer who has been convicted by a criminal court of an offence involving moral turpitude shall be liable to be summarily dismissed from the service.

133. If an official has been acquitted on technical grounds, or if the facts established by the judicial investigation show that his conduct and character as an official have been such as to make it undesirable that his services should be retained by Government, the Inspector-General of Prisons may, in the exercise of the authority vested in him and after making a full record of his reasons, take departmental cognizance of the offence or of such conduct or character.

134. When an official has been prosecuted in a criminal court and has, after trial on the merits of the case, been declared innocent of the charge brought against him, the decision should be accepted as final and the man should not be punished departmentally when the offence for which he was tried constitutes the sole ground for punishment.

135. Every officer of the prison who shall be found at any time to be guilty of any breach of prison rules, neglect or violation of duties

or other misconduct shall be liable to any of the following punishments:—

- (i) censure;
- (ii) withholding of increments or promotion, including stoppage at an efficiency bar;
- (iii) reduction to a lower post or time-scale, or to a lower stage in the time-scale;
- (iv) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;
- (v) suspension;
- (vi) removal from the civil service of the Crown, which does not disqualify from future employment;
- (vii) dismissal from the civil service of the Crown, which ordinarily disqualifies for future employment.

*Explanation.*—The discharge of—

- (a) a person appointed on probation, during the period of probation,
- (b) a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment, and
- (c) a person engaged under contract, in accordance with the terms of his contract,

does not amount to removal or dismissal within the meaning of this rule.

136. The Superintendent may punish summarily any warder with any of the following punishments:—

- (i) censure;
- (ii) fine, provided that the aggregate amount of such fine shall in no case exceed one-quarter of a month's pay in respect of the month in which the fines are inflicted;
- (iii) extra drill one hour daily for a period not exceeding seven days;
- (iv) confinement to prison precincts for a period not exceeding fourteen days; or
- (v) suspension for a period not exceeding ten days.

137. The Superintendent may punish summarily the Deputy Jailer, Assistant Jailer, Clerk, Head Warder or the Dyeing Master with the punishment of—

- (i) censure; or
- (ii) fine, subject to the limit of one-quarter of a month's pay.

The Superintendent may summarily award to the Jailer the punishment of censure only.

In all cases of summary punishment the Superintendent shall record in his order book and the punishment register and in the service book

of the official concerned the offence committed and the punishment awarded.

138. When the Superintendent is of opinion that any prison officer is guilty of an offence which cannot be adequately punished by any of the summary punishments above-mentioned he shall conduct a full investigation and maintain a record of the proceedings in the authorized form. The charge against the officer and the evidence in support of it, the officer's defence or explanation and any evidence which he may adduce in his defence, and the order passed shall be reduced to writing and placed on the record.

139. The Superintendent has authority after such an investigation to award any of the punishments enumerated in paragraph 135 to a Warden, Head Warden or the Dyeing Master.

In the case of the Jailer, Deputy Jailer, Assistant Jailer or Clerk whom he finds guilty of an offence which cannot be adequately punished by him, the Superintendent shall forward the charge sheet, finding and record of the case to the Inspector-General of Prisons for orders.

140. When in the opinion of the Superintendent any officer is guilty of an offence which cannot be adequately punished by departmental punishments, he shall forthwith suspend such officer and refer the case to the Inspector-General of Prisons for orders.

141. On a reference made under paragraph 139 or 140 above, the Inspector-General of Prisons may punish any officer with any of the punishments prescribed in paragraph 135 or may order the prosecution of the officer under the Prisons Act, 1894, or the Criminal Law. In the case of escapes, outbreaks or other irregular occurrences of a serious nature the Inspector-General of Prisons shall frame charges against the officer in fault and obtain a written explanation before awarding any punishment.

142. Every officer of the prison has the right of appeal to the Inspector-General of Prisons from any order of punishment other than an order of summary punishment passed against him by the Superintendent within six months of the date of order excluding time spent in supplying the copy of order.

143. Every officer of the prison who has been punished by order of the Inspector-General of Prisons by a punishment other than a summary punishment has the right of appeal to the Provincial Government within six months of the date of the order excluding time spent in supplying the copy of the order.

144. Every appeal preferred under these rules shall contain all material statements relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred through the authority from whose order the appeal is preferred, and shall be submitted through the usual official channel.

145. Every person preferring an appeal shall do so separately and in his own name.

146. The appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty is excessive, adequate or inadequate, and after such consideration shall pass such order as it thinks fit.

147. The Provincial Government and the Inspector-General of Prisons reserve to themselves the power of calling for the records of any case and revising any order which in their opinion has, in consequence of some flagrant irregularity, resulted in material injustice, whether an appeal against that order has been submitted or not.

148. Any officer of the prison who has been punished departmentally under paragraph 139 or 141 may apply to the Superintendent or the Inspector-General of Prisons for a copy of the order of punishment, and the Superintendent or the Inspector-General of Prisons shall cause persons to be supplied with a correct copy of such order without undue delay.

149. Any officer who is under suspension may be required to vacate the quarters allotted to him and quit the prison premises, and shall not, without the sanction of the Superintendent, re-enter the prison premises.

150. The Superintendent shall communicate to the officer concerned every adverse entry in his service book.

151. No prison subordinate who has resigned or been dismissed shall be re-employed without the sanction of the Inspector-General of Prisons.

152. The attention of all prison officers is drawn to the provisions of sections 8, 9, 10, 21, 22, 37, 42, 43 and 54 of the Prisons Act, 1894.

## CHAPTER VI.

## THE JAILER.

153. The Jailer shall be the Chief Executive Officer of the prison and shall control the whole establishment under the orders of the Superintendent.

154. The Jailer's chief duty is the maintenance of discipline both among the subordinate officers and the prisoners and the strict enforcement of all rules and orders relating to the management of the prison.

155. The Jailer shall make himself thoroughly acquainted with all the rules and regulations of the prison, and conform to them.

156. The Jailer shall make himself conversant with the provisions of the Prisons Act, 1894, relating to his duties. The most important sections with which the Jailer is concerned are sections 16, 17, 18, 19, 37, 41 and 58.

157. The Jailer shall keep a report book, in which he shall record all reports and other matters which these rules and any other orders require him to record and all important events connected with the administration of the prison.

158. Before leaving the prison precincts for any purpose whatever the jailer shall make over charge of the prison to the next senior officer present, and shall make an entry of the fact in his report book. The officer taking over charge shall countersign this entry.

159. When making over charge of his duties on resignation, suspension, transfer or discharge the Jailer shall prepare an inventory in the prescribed Form of all property, stores, etc., in his immediate charge, which shall be signed by himself and by the officer who relieves him, and kept with the Jail records. The Superintendent will countersign the inventory after satisfying himself of its correctness, and a copy shall be given to the relieved and the relieving officer. In the case of a Jailer's death the inventory shall be made by or under the directions of the Superintendent.

160. The Jailer's report book shall be laid before the Superintendent at each visit and shall be signed by him.

161. The Jailer shall inform the Superintendent of the nature of every intimation received by him from the Magistrate or Police about the character of any undertrial or convicted prisoner, and shall carefully observe such precautions as the Superintendent may direct for the security of such prisoner.

162. The Jailer shall see that all subordinate officers are duly instructed in their duties, and discharge them regularly and efficiently.

163. The Jailer shall arrange for the efficient discharge of the duties of any subordinate officer of the prison who is absent from his duty, and shall record in his report book the fact of such absence and the arrangements he has made.

161. The Jailer is authorized to grant leave of absence from the prison to any subordinate officer, but this leave must not extend beyond four hours, without the sanction of the superintendent.

165. The Sub-Assistant Surgeon and the servants of the prison hospital shall be subjected to the Jailer's orders in all matters not immediately and directly connected with the medical treatment of the sick.

166. The Jailer shall be responsible under section 18 of the Prisons Act, 1894, for the safe custody of prison records, commitment warrants and other documents, and of money and other articles taken from prisoners.

He shall carry out the instruction in connection with the supervision of the office, the compilation of registers and returns, etc., as given in the chapter "Accounts" on page 165 of this Manual.

167. The Jailer shall control and supervise the posting of the warder guards. He shall at uncertain intervals visit the guards at their posts, and satisfy himself that the sentries are posted and on the alert, and that the rounds are being properly made.

168. The Jailer shall see that all relief parties of warders enter and leave the prison with military precision. He shall search warders at uncertain hours at least once a week and report the result in his report book.

169. The duties of the Jailer in connection with prisoners—

- (1) He shall carry out the instruction in connection with the admission of prisoners as given in the chapter "Admissions" on page 73 of this Manual.
- (2) He shall verify the classification of all casual prisoners proposed to be appointed as convict officers. He shall make this verification by a careful examination of the warrants and such other documents as may be available.
- (3) He shall carry out the instruction in connection with the imposition, testing, etc., of fetters for prisoners as given in the chapter "Fetters for safe custody" on page 147 of this Manual.
- (4) He shall carry out the instruction in connection with the release of prisoners as given in the chapter "Release of prisoners" on page 83 of this Manual.
- (5) He shall be responsible that efficient means are employed for the security of cells, barracks, yards, workshops, etc., and shall see that planks, ladders, ropes and any other material likely to facilitate escape are kept in safe custody and out of the reach of the prisoners.
- (6) He shall be present at the unlocking and locking up of the prisoners.
- (7) He shall personally supervise the searching, unlocking and locking up of the under-trial wards.
- (8) He shall see every prisoner in the prison at least once every day.
- (9) He shall check the number of prisoners during the hours of work, and shall see that they are kept steadily at work

and that the full task is exacted from them. The midday count to labour of prisoners shall be supervised by a member of the subordinate staff under the orders of the Jailer.

(10) He shall superintend the distribution of prisoners to labour in the morning.

(11) He shall make daily visits at uncertain hours to the out-gangs working within the prison precincts and shall record in his report book a note of the time and the result of his visit.

170. In order to maintain the standard of handicrafts in the prison and to keep a supply of trained artisan prisoners available, the Jailer shall keep suitable prisoners under training in all forms of skilled labour.

171. The Jailer shall scrutinise all indents for provisions and materials required for consumption in the prison, and shall exercise the utmost vigilance to secure in all departments of the prison such economy of expenditure as is consistent with efficiency.

172. The Jailer shall carry out the instruction in connection with the cooking and distribution of food as given in the chapter "Dietary", on page 115 of this Manual.

He shall once in every month test all weights and other measures in use in godowns, cook-houses, etc., and shall enter in his report book the result of this test. Any weights or measures found below the standard shall be condemned by the Superintendent and destroyed in his presence.

173. The Jailer shall see that the prisoners keep their vessels clean and bright and free from all signs of rust.

174. During the summer season the Jailer shall see that each barrack is provided at night with an adequate number of buckets and earthen *gharas* filled with water for the use of prisoners.

175. The Jailer shall carry out the instruction in connection with the guarding, dist and execution of convicts sentenced to death as given in the chapter "Convicts sentenced to death", on page 57 of this Manual.

176. The Jailer shall daily visit every part of the prison, including the cells, barracks, yards, workshops, etc., and shall satisfy himself that everything is clean and in order.

177. The Jailer shall be responsible that all prison buildings are kept in thorough repair. He shall supervise all building operations.

178. The Jailer shall see that all wells inside the prison or in the prison garden are kept properly covered and locked when not in use, and that they are not opened except under the charge of a responsible officer.

179. The Jailer shall give his personal attention to the care and maintenance of the prison garden in accordance with the rules, and shall see that all land outside the prison which is available for this purpose is used for the cultivation of fodder crops.

## CHAPTER VII.

## THE EXECUTIVE AND CLERICAL ESTABLISHMENT.

180. The Superintendent may authorize a Deputy Jailer or an Assistant Jailer to perform any or all of the duties of the Jailer.

181. The Deputy Jailer shall perform the duties of the Jailer on all occasions when the Jailer is absent.

182. The Deputy Jailer, Assistant Jailer and Clerk shall perform such executive and clerical duties and be in charge of such store-rooms as the Superintendent by order in his order book, may prescribe. A copy of such orders shall be given to the official concerned.

183. The Deputy Jailer and Assistant Jailer shall make such night rounds as the Jailer may direct.

184. The Deputy Jailer, Assistant Jailer and Clerk shall be present inside the prison from unlocking to lock-up: provided that the Superintendent shall fix periods during which each official may leave the prison for meals, in such manner that one executive official is always present in the prison.

185. No candidate for employment on the executive or clerical staff shall be employed on accounting or other work in which embezzlement is possible. Every such candidate shall work under the order of one of the officials, who shall be responsible for the work done by him.

186. If any prisoner expresses to any prison official a desire to see the Superintendent, it shall be the duty of that official to inform the Superintendent of the fact at his next visit to the prison.



## CHAPTER VIII.

## THE WARDERS.

187. (a) Every Head Warder, Gate Keeper and Intramural Warder shall ordinarily be on duty for half the day and for one watch at night.

(b) When not actually engaged in his special duty, any Head Warder or Warder may be required by the Jailer to perform any duty.

188. Each Head Warder and Warder shall be allotted such duties in any part of the prison at any time of the day or night as may be directed by the Jailer under the orders of the Superintendent.

189. When on duty every Head Warder and Warder shall wear his uniform, and shall not sit or lie down. He shall keep his uniform, arms and accoutrements clean and in good order.

NOTE.—The warders on night watch duty may be exempted from wearing uniform at night.

190. The Head Warder on duty shall—

- (a) post the warders under the orders of the Jailer, explaining to each warder the duties and responsibilities of his post;
- (b) assist the Jailer at unlocking, midday count and locking up;
- (c) visit and count at uncertain hours all gangs working inside the prison, and forthwith report to the Jailer any unusual occurrences;
- (d) ascertain from the Female Warder once in the forenoon and once in the afternoon that the count is correct and all is well;
- (e) supervise the distribution of food and the conservancy arrangements;
- (f) cause all gratings, doors or other openings of enclosures and barracks in which prisoners are confined to be secured, and satisfy himself by personal inspection that they are secure;
- (g) visit the outgangs working within the prison precincts at least once in the forenoon and once in the afternoon and count and check the number of prisoners in each gang from the gang books. On making such check the Head Warder shall take the left thumb-impression of the warder in charge of each gang in the prescribed register, and shall enter therein the time of his visit to each gang. On completion of each round he shall sign this register and put it up before the Jailer, who shall also sign it. He shall satisfy himself during his rounds that the warders keep all prisoners within sight and employ them on one form of labour only, and shall report any disobedience of the rules and regulations to the Jailer;
- (h) be responsible for the general cleanliness of the warders' lines, and see that all warders live in the quarters provided for them. He shall report warders who absent themselves without leave, or who permit released prisoners or friends of prisoners to visit or remain in their quarters.

191. Every Head Warder and warder shall—

- (a) maintain cleanliness, order and discipline among the prisoners in his charge;
- (b) count prisoners in his charge from time to time and satisfy himself that all his prisoners are present;
- (c) search the prisoners and the factories, cells and barracks in which they are confined at the time of receiving and making over charge respectively;
- (d) be responsible that the work turned out by the prisoners under his charge is of the best quality and sufficient in quantity;
- (e) report every prisoner whom he considers to have committed a prison offence;
- (f) maintain scrupulous cleanliness in the enclosures in his charge and see that the drains are kept free from silt;
- (g) bring to the notice of the Jailer and send to hospital if necessary any prisoner who appears to be ill or who complains of sickness;
- (h) give an immediate alarm if a prisoner is missing or if any disturbance takes place or appears to be imminent;
- (i) report any plots made by prisoners to escape, or to commit any assault, or to make any onthebreak, or to obtain forbidden articles.

192. No Head Warder or warder shall leave his post until he has been properly relieved. His responsibility shall continue until he is so relieved.

193. (1) The Head Warder of the relieving guard shall, at least fifteen minutes before the hour fixed for relieving the guard on duty, collect the warders of the relieving guard at the main gate of the prison. At the proper time he shall march the relieving guard of warders to their respective posts and remove the guard to be relieved.

(2) When relieving the warders of the outgangs working within the prison precincts, the Head Warder of the relieving guard shall muster the prisoners and satisfy himself that the gang is complete and is made up in the manner recorded in the gang book.

(3) When the relief is complete, the relieved Head Warder shall march the relieved warders outside the prison and then dismiss them.

## II.—RESERVE GUARD.

194. The reserve guard shall consist of a Head Warder and six warders, told off for this duty by the Jailer, under the orders of the Superintendent. It shall ordinarily be changed monthly. It constitutes the quasi-military guard of the prison.

195. The reserve guard shall resist by force all attempts to break into or out of any part of the prison, and shall assist in the suppression of all violence or opposition to authority on the part of the prisoners within the prison itself or its precincts.

196. (a) The reserve guard shall furnish a sentry for the main gate; and escorts for visitors.

(b) The reserve guard shall assist in watching at night and shall ordinarily go on duty on the first and the last watch. Whilst any reserve warder is on escort duty or on watch inside the prison, an equal number of warders of the general guard shall remain in the reserve guard house to complete the full strength of the reserve guard. Whilst the Reserve Head Warder is on night watch, a senior warder shall be in charge of the reserve guard.

(c) In addition to the sentry on duty two reserve warders shall be present in the guard room from 10 P.M. till unlocking.

197. The whole of the reserve guard shall parade under arms and will pile arms in front of the armoury every morning during unlocking time and every evening during the locking up. During the morning meal of the prisoners one-third of the guard shall be under arms.

198. The reserve guard shall be in charge of a Reserve Head Warder who shall be competent to give instruction in squad and company drill, in the use of arms and in musketry.

199. The Reserve Head Warder shall be responsible that all orders regarding the duties of the guard are observed, and shall satisfy himself that all such orders are known to the warders and understood by them.

200. The duties of the Head Warder are:—

- (1) To post one sentry at the main gate day and night after every two hours, to maintain a register showing the attendance and daily posting and relief of the guards and sentries under his orders, and to report to the Jailer any warder absenting himself without leave.
- (2) To inspect the sentries frequently and satisfy himself that they are alert, smartly dressed and properly equipped, and to report at once to the Jailer any suspicious occurrences.
- (3) To detail for all visitors to the prison an escort which shall consist of two warders armed with batons.
- (4) To inspect daily all arms and accoutrements and see that they are kept clean and fit for immediate use.
- (5) To make a round of the outer main wall once every day and at least once a week during the night and to report to the Jailer any suspicious circumstances or indications.
- (6) To carry out any order for punishment drill given by the Superintendent.
- (7) To maintain an account of the receipt and expenditure of ammunition in his charge.
- (8) To see that the armoury and guard rooms are kept clean and that their contents are neatly arranged.

201. For every post of sentry there shall be a duty token. Every warder shall have a brass name token. Whenever a sentry is relieved he will give his name token to the Relieving Reserve Warder. The Relieving Reserve Warder will give his name token to the Relieved Warder in token of having duly taken over charge of the duties of the post. The Reserve Head Warder shall collect name tokens at suitable intervals and hand them back to their owners.

202. The duties of the sentry at the main gate are:—

- (a) To be on duty outside the main gate and carry his rifle with bayonet fixed. The rifle shall not be loaded, but the sentry shall carry in his unbuttoned pouch placed to the front of his belt a packet of ten rounds of buckshot and two loose blank cartridges. This ammunition shall be handed over to the relieving sentry.
- (b) To stand in attention and present arms when any of the following arrive at the prison:
  - (1) The Commissioner and Inspector-General of Prisons of Ajmer-Merwara.
  - (2) The Superintendent and Medical Officer.
  - (3) the other inspecting officers.
  - (4) The official and non-official visitors.
  - (5) Other distinguished visitors.
- (c) To keep in a sealed leather packet the duplicate keys of the armoury and the rifle rack. The relieving sentry on taking over shall satisfy himself that the seal is intact. The sentry shall break the seal only if emergency arises in the absence of the Reserve Head Warder.
- (d) To satisfy himself that the main gate and wicket doorways are securely locked, and to report at once to the Reserve Warder in case he finds any lock, door or window or fitting thereof insecure, or any ladders, ropes, beams or any other articles likely to facilitate escape lying about. The Reserve Head Warder shall report the same to the Jailer.
- (e) To keep in his possession at night the key of the wicket gates.
- (f) To prevent any person from loitering about the premises.
- (g) To refrain from entering into conversation with a prisoner or any one else except when questioned by a superior officer, and from interfering unnecessarily with any prisoner or prison officer.
- (h) To prevent any prisoner from passing out of the prison except under the custody of an authorized officer, and to stop every individual passing out of the prison gate whom he does not recognise as a prison officer, and detain him until he receives authority from the gate-keeper to let him pass.
- (i) If he sees a prisoner attempting to escape, to call on him to stand. If the prisoner fails to stand and he cannot otherwise prevent the escape, the sentry shall fire at the prisoner. If the prisoner is beyond recall, he shall raise the alarm by firing a shot in the air.
- (j) To raise the alarm by firing a blank cartridge and loudly sounding the alarm bell when ordered to do so by the gate-keeper or on his own initiative if he has reason to believe that an outbreak or disturbance or attempt at escape is occurring.

- (k) To challenge any person approaching his post after dark and warn him to stand until the Reserve Head Warder arrives on pain of being shot, at the same time loading and bringing his rifle to the ready. If the reply is unsatisfactory or if he receives no reply, he shall give the alarm. Challenges should be delivered in English and after that twice in Hindustani before firing.
- (l) To challenge and require the parole or countersign from all persons going inside or coming outside the main gate at night. The Jailer will communicate the parole to the officer of the guard.
- (m) On relief to explain to his successor the duties of his charge and bring to his notice any circumstances to which attention should be directed.
- (n) To carry out the orders given to him without distinction of person and protect as far as possible all stores and Government property in the prison or in the precincts of the prison.

203. The Reserve Head Warder shall be in charge of the arms, emergency ammunition and spare accoutrements, and shall be responsible that 20 rounds of buckshot ammunition per rifle are kept ready for use in the armoury. A list of all arms and accoutrements, signed by the Reserve Head Warder, shall be hung up in the armoury. The Reserve Head Warder shall report to the Superintendent or Jailer any loss of arms, ammunition and accoutrements immediately it comes to his knowledge.

204. The rifles (with bayonets fixed), accoutrements and emergency ammunition shall be kept in the armoury and an adequate supply of torches, blue lights, oil and matches shall also be maintained at all times ready for use.

205. All arms, emergency ammunition and accoutrements in the armoury shall be so arranged as to be in no way accessible from the outside. The rifles not in use shall be kept in racks and secured by a chain fixed permanently to the upright at one end and passing through the trigger guards of all rifles and padlocked to the other upright. Each rifle shall have a number marked on it, and when not in use shall always be deposited in the armoury in the place assigned to it.

206. The locks of the armoury and of the rifle racks shall have duplicate keys. One key of each lock shall be in the charge of the sentry on the main gate and the other in that of the Reserve Head Warder.

207. The Reserve Head Warder is responsible for giving the prison officers and warders a thorough military training in squad and company drill and the use of firearms, including rifle, bayonet and firing exercises.

208. Every Reserve Warder shall be drilled for half an hour once a day in the morning except on Sundays, Thursdays and prison holidays.

209. Firing practice with blank ammunition shall be carried out once a month by all warders.

210. All prison officers and warders shall be put through an annual musketry course some time between October 15th. and April 1st at the

police butts. The course shall, as far as possible, be the same as that followed by the Police.

211. At least once a week and on every occasion on which the rifles have been used they shall be thoroughly cleaned out in front of the prison gate and, after inspection by the Reserve Head Warden, securely deposited in the racks inside the armoury. Under no circumstances shall rifles be taken to the warders' lines or other locality for cleaning or any other purpose.

### III.—AMMUNITION—RULES.

212. (a) The reserve ammunition shall be kept in a strong immovable box locked with two padlocks in a secure place between the two gates. The Jailer shall be responsible for the safe custody of the reserve ammunition. At least once a month the Superintendent shall check the stock of ammunition and note the result and date in the register of arms and ammunition.

(b) Ball, buckshot and blank ammunition shall be stored separately from each other.

(c) Boxes of ammunition whose seals are intact should not be opened for the purpose of checking the contents, as they cannot be soldered up again satisfactorily, but if there is any evidence of the boxes having been tampered with, they should be opened at once.

213. The Jailer, when necessary, shall issue ammunition to the Reserve Head Warden to replenish his stock of emergency ammunition, taking the Head Warden's receipt in the column provided for the purpose in the register. The Superintendent shall also sign the register.

214. Expenditure of ammunition should always be made from the oldest stocks. All unexpended ammunition shall be returned to stock as soon as possible after the completion of the duty for which it was issued. The Jailer shall enter details of expenditure and the quantities received back in the register and compare the total with the amount issued. Any shortage or irregularities shall be reported to the Superintendent.

215. The scale of ammunition per warder, allowed annually, is as follows:—

For .476 or .410 muskets.	Reserve. Warder.	Intramural, Warder.
Blank . . . . .	80	50
Buckshot . . . . .	50	30
Ball . . . . .	60	40

216. Annual indents for ammunition in form Z-2091 shall be submitted not later than April 1st in triplicate to the Inspector-General of Prisons for countersignature and transmission to the ordnance officer of the arsenal of supply. The Chief-Ordnance Officer will meet indents bearing countersignature as above described. In all indents for ammunition the exact description of the ammunition must be entered.

217. The following forms are used in connexion with the issue from, and return of ammunition and stores to, the ordnance department:—

Z-2091—Requisition form.

Z-2096—Delivery receipt or expense voucher form.

(3) Turnover should be carried out in the following order:—

- (a) The contents of broken boxes, viz., boxes, the tin linings of which have been opened, and loose rounds.
- (b) Boxes of ammunition on which the words "Examined (year)" are enfaced on the labels. This ammunition will be used up in order of date of examination.
- (c) Other ammunition of the oldest dates to be used first.

## CHAPTER IX.

## THE GATE-KEEPER.

225. A Gate-Keeper shall be on duty at the main gate throughout the day.

226. The Gate-Keeper shall be in charge of the main gates of the prison. There are two gates and he shall open only one gate or wicket at a time, and before doing so shall satisfy himself that other means of entry and exit are secure. Ingress and egress for ordinary purposes shall take place through the wicket doorways.

227. The Gate-Keeper shall admit all prison officers on duty. He shall not admit any other person without authority from the Superintendent or Jailer.

228. The Gate-Keeper shall keep the keys of the locks of the two main gates and their wicket doorways during the day. When the prisoners are locked up for the night, the Gate-Keeper shall deliver the keys of the main gates to the Jailer who shall lock them up in the key chest. After lock-up and until unlocking only the wicket doorways shall be used, and the keys of the wicket doorways shall be in the charge of the sentry outside the main gate.

229. The Gate-Keeper shall be in charge of the following articles kept between the two gates:—

- (a) a clock,
- (b) a standing desk with lock and key for the Gate-Keeper's books and writing materials,
- (c) a key chest,
- (d) an emergency rope,
- (e) emergency fetters and handcuffs in a secure place,
- (f) a board on which the population of the prison is written every morning.

230. During the day the Gate-Keeper shall be in charge of the key chest and of the key of the padlock securing the key chest. From locking up to unlocking this key will be in charge of the Jailer.

231. (a) The Gate-Keeper shall be responsible for the cleanliness of the passage between the two gates. He shall keep the passage clear of any persons or prisoners who are not specially authorized to remain therein and shall keep an eye on the movements of all persons employed or detained therein.

(b) A light shall be kept burning brightly in the passage between the gates throughout the night.

232. The Gate-Keeper, as soon as he hears a whistle sounding continuously or receives notice of any prisoner having escaped, or of a disturbance having taken place or being imminent, shall order the sentry to fire his musket into the air and to sound the alarm, and shall send immediate notice to the Jailer.

233. The Gate-Keeper shall endeavour by every means in his power to prevent the embezzlement of any prison property and the admission of unauthorized or prohibited articles.



234. The Gate-Keeper shall not pass any articles out of or into the prison without the permission of the Jailer.

235. The Gate-Keeper shall search every person entering into or going out of the prison except the following:—

- (a) official and non-official visitors and other visitors specially authorized by competent authority to enter the prison,
- (b) legal practitioners,
- (c) high officers and upper subordinates of the prison and other Government Departments, and
- (d) the Head Warder on duty.

236. The Gate-Keeper shall search warders in the presence of an upper subordinate. When the Gate-Keeper has reason to suspect that any officer of the prison or other person who is exempt from search is introducing or removing unauthorized articles, he shall detain him between the gates and send notice to the Jailer, who may, if he thinks necessary, search the person concerned.

237. The Gate-Keeper shall maintain a register of all prisoners whose employment outside the prison walls has been sanctioned by the Superintendent. All such prisoners in the outgangs shall ordinarily wear link fetters.

238. When prisoners employed in outgangs are going into or out of the prison the following procedure shall be followed:—

- (a) The Gate-Keeper shall first pass the prisoners through the inner wicket and lock it. After the prisoners have been searched, they shall sit down while a roll call is made from the above mentioned register of outgangs by an upper subordinate. The totals of each gang shall be signed by the officer, and the Gate-Keeper shall enter in words in the gate-book the number of prisoners sent out in each gang and the name of the warder in charge. This entry shall be signed by the warder in charge of the gang. The Gate-Keeper shall then open the wicket in the outer gate and count the prisoners when passing them out to verify the total. Every change in the gang must be noted by the upper subordinate in the register of outgangs and recorded by the Gate-Keeper in the gate-book.

- (b) On passing the prisoners into the prison, the Gate-Keeper shall open the outer wicket and admit the gang into the passage between the gates. He shall then lock the outer gate and after searching every prisoner shall call out the name of each prisoner, as recorded in the register of outgangs. The gang having been found correct, he shall open the inner wicket and count the prisoners as they pass into the prison to verify the total.

239. The Gate-Keeper shall not allow to pass out of the prison any prisoner who is not in custody of a prison officer duly authorized to take him outside.

240. The Gate-Keeper shall make himself thoroughly acquainted with the appearance of all prison officers, and shall carefully observe the faces

and appearances of all prisoners leaving the prison in order to prevent any prisoner attempting to escape in disguise.

241. The Gate-Keeper shall make all entries in chronological order in the gate-book and shall rule out blank spaces so as to prevent spurious entries being made subsequently.

242. Prison Officers passing into or out of the prison shall sign their names in the gate-book and enter the hour and minute of entrance and exit, and also record the number of any bunch of keys which they may take from or return to the key chest.

243. The Gate-Keeper shall record in the gate-book—

(a) at every relief of a gate-keeper a note of the exact time of relief and the number of the keys taken over, and this note shall be signed by both the relieved and the relieving officer;

(b) the hour and minute of entrance and exit and the names of all persons passing in or out of the prison.

244. The Gate-Keeper shall record in the gate-book, in the case of illiterate warders, the time of issue and receipt of all bunches of keys, with the name of the officer to whom he issues or from whom he receives the bunches. Literate officers will make these entries themselves.

245. The Gate-Keeper shall enter, in the case of articles passed into or out of the prison, their description and number or weight, and the name of the officer or person in whose charge the articles are passed in or out.

246. The Gate-Keeper shall write in the gate-book, in tabular form, a daily statement of the prison population, showing the balance of prisoners from the previous day, the number admitted and the number released, died or otherwise disposed of, and the balance struck, which should correspond with the number of prisoners locked up.

247. The Jailer shall check and sign the gate-book daily.

248. The Superintendent shall examine the gate-book at least once a week.

## CHAPTER X.

## THE FEMALE WARDER.

249. The Female Warder shall be in charge of the female prisoners under the orders of the Superintendent and the Jailer.

250. The Female Warder shall report all occurrences of importance to the Jailer for the information of the Superintendent.

251. (a) The Female Warder, in respect of the female prisoners, shall perform the duties prescribed for the Head Warder and warder and all rules relating to Head Warder and warder shall, as far as they may be applicable, apply to the Female Warder.

(b) She shall maintain the strictest cleanliness, order and discipline in the wards and workshops of the female enclosure.

252. The Female Warder shall attend from the unlocking upto the midday and from 4 p.m. until the lock-up is completed.

253. The Female Warder shall escort every female prisoner leaving the female enclosure, and shall remain with the prisoner until the prisoner returns to the enclosure or quits the prison premises.

254. The Female Warder shall conduct the search of female prisoners. Such search shall not be made in the presence of any prison officer or male prisoner.

255. The Female Warder shall not allow any prison officer or male prisoner to enter at any time the female enclosure without proper authority.

256. When the Female Warder is present on duty, the entrance door shall be locked on the outside by the head warder and on the inside by the female warder. The key of the outside lock will be returned by the Head Warder to the Jailer who will order it to be kept in the key-chest at the main-gate and issue it to the senior head warder when necessity for its use again arises. When the female prisoners are locked up for the night both the locks shall be put on the outside of the entrance door, and the Jailer shall lock the keys in the key-chest.

257. The Female Warder, if she has reason to think that any female prisoner is pregnant, shall report the fact to the Superintendent and the Jailer.

258. The Female Warder shall be responsible that every child for the time being in the prison receives the diet prescribed for it.

## CHAPTER XI.

## UNIFORMS.

259. The uniform of the Jailer shall be—

*Jacket.*—Khaki drill or serge, single-breasted, cut as a lounge coat to the waist with back seam, very loose at the chest and shoulders, but fitted at the waist; waist seam and band  $2\frac{1}{2}$  inches wide, military skirt to bottom edge; length of skirt 13 inches for an officer 6 feet 9 inches, varying in proportion to height; step-collar, depth of opening about 3 inches. Two cross patch breast pockets above,  $6\frac{1}{2}$  inches wide and  $7\frac{1}{2}$  inches deep to the top of the flap, box pleat in centre  $2\frac{1}{2}$  inches wide, three pointed flap,  $6\frac{1}{2}$  inches wide and  $2\frac{1}{2}$  inches deep. Two expanding pockets below the waist, pleats at the sides,  $9\frac{1}{2}$  inches wide at the top and  $10\frac{1}{2}$  inches at the bottom, 8 inches deep to the top of the pocket and fastened at the top with a small button, flap with button-hole to cover pockets  $3\frac{1}{2}$  inches deep,  $10\frac{1}{2}$  inches wide, sewn into the bottom edge of the waist band. The top of the pockets should be sewn down at the corners in such manner that on duty the pocket can be expanded at the top also; outside ticket pocket in the top of the waist band on the right side; inside watch pocket with leather tab above for chain or strap. Four large buttons down the front, the bottom one just below the lower edge of the waist band. Lining, if required, to be of similar colour to the jacket. Cuffs pointed, shoulder straps of the same material fastened with a small button. Shoulder strap badge—"cross-keys" with the word "Jailer". Buttons bearing the letters "JAIL" of silver metal to be used.

Gazetted Jailer will wear a crown of silver metal across the centre of the shoulder straps, and a badge "JAIL".

*Trousers.*—Slacks, khaki drill or serge, turned up at ends.

*Shirt.*—Khaki twill shirt with khaki turned-down collar with two breast pockets, with flaps pointed and with button.

*Tie.*—Dark navy blue tie.

*Head dress—*

Helmet or khaki sola topee

or  
Khaki muslin or silk turban with embroidered ends. The end of the turban not to fall loose down the back.

} Badge with provincial device "JAIL" with 8 pointed star, wreath and crown.

For daily use a plain khaki muslin turban may be worn.

*Boots.*—Brown leather.

*Belt.*—Sam Browne, 2 inches wide with single cross-belt with brass fittings, whistle attached to silk cord and carried in left chest pocket.

*Working dress—*

Khaki shirt with turned-down collar and shoulder straps,  
 Khaki shorts with khaki stockings and shoes,  
 or  
 Khaki knickers with blue putties and boots.

260. The uniform of a Deputy Jailer, Assistant Jailer and Clerk shall be similar to that of jailer with the following modifications:—

*Shoulder badges.*—Nickel plated "cross-keys" with the words "DEPUTY JAILER", "ASSISTANT JAILER" or "CLERK" as the case may be.

*Head dress.*—Khaki muslin turban with gold fringe.

261. The Jailer, Deputy Jailer, Assistant Jailer and Clerk shall wear uniform on monthly parades and during the visit of an inspecting officer who has given previous notice of his visit.

262. The Deputy Jailer, Assistant Jailer or Clerk, on first appointment, shall be provided with the prescribed uniform at the expense of Government. The subsequent issues and renewals which become necessary shall be made at the expense of the officer.

263. (a) The uniform of a male warder shall consist of the following articles:—

(i) *Blouse.*—Khaki drill, made loosely, with blue piping, in length to reach to the tip of fore-finger, with collar one inch high, hooking in front with one hook, two breast pockets with plain flaps, fastening with prison pattern buttons, letters "JAIL" in brass across shoulder straps which will fasten at top with one button, three small size prison buttons down the front.

(ii) *Knicker-bockers.*—Khaki drill, made loosely.

(iii) *Khaki shirts*  
                   *and* } —For use in summer months.

(iv) *Khaki shorts.* }

(v) *Great-coat.*—Khaki pattern, without cape.

(vi) *Jersey.*—Woollen Khaki.

(vii) *Head dress.*—Khaki *pagri* with blue fringe and badge.

(viii) *Putties.*—Woollen, khaki.

(ix) *Shoes.*—Plain country brown leather.

(x) *Waist belt.*—Brown leather, brass clasps with badge  
       "Warder, Ajmer Central Prison".

(b) The uniform of the Female warder shall consist of the following articles:—

(i) Chaddar, white;

(ii) *Lenhga*, blue;

(iii) Cotton coat;

(iv) Woollen coat; and

(v) Shoes.

264. (a) The uniform of the Head Warders shall be the same as prescribed for warders with this addition that they shall wear a gold fringe in their turban.

(b) The Head Warders shall be armed with—

- (1) a native infantry pattern sword,
- (2) scabbard, and
- (3) sword belt, infantry regulation.

265. Every Warder and Head Warder shall be provided with uniform and equipment, free of charge according to the scales prescribed below:—

#### A.—Male Warders.

<i>Blouses</i>	.	..	Two on appointment and thereafter one
<i>Khaki shirts</i>	.	..	every year.
<i>Knicker-bockers</i>	.	..	Two pairs on appointment and thereafter one pair every year.
<i>Shorts</i>	.	..	
<i>Putties</i>	.	..	
<i>Shoes</i>	.	..	

*Jersey*.—One. Renewable after three years.

*Great-Coat*.—One. Renewable after four years.

*Kit-box* (2' x 2') with lock and key.—One. Renewable after ten years.

*Charpoy*.—One. Renewable after ten years (strung with moonj or aloe twine as often as may be necessary at Government expense).

<i>Belts</i>	.	..	Renewable after ten years.
<i>Metal badges</i>	.	..	
<i>Buttons</i>	.	..	

Each Head Warder and warder shall be supplied with a whistle (metropolitan pattern).

*Head Warders*.—

*Gold fringe*.—One. Renewable after two years.

#### B.—Female Warder.

<i>Chaddar</i>	.	..	Two on appointment and thereafter one every year.
<i>Lenhga</i>	.	..	
<i>Cotton coat</i>	.	..	

*Woollen coat*.—One. Renewable after three years.

*Shoes*.—Two pairs on appointment and thereafter one pair every year.

*NOTE*.—On first appointment, supplies will not necessarily be of new articles.

266. The Superintendent is responsible that the uniform and equipment of all prison officers are properly fitted and maintained up to the standard prescribed in these rules.

267. The Superintendent shall hold a kit inspection once in every month, ordinarily on the parade day, when every warder shall be required to exhibit all the articles of his outfit. Any articles, which have been lost or damaged by carelessness shall be replaced at the expense of the warder concerned.

268. Each article of uniform except the belts and brass badges shall become the property of the warder concerned after it has been in use for the period prescribed for the renewal, but not until another has been supplied in place of it.

269. Warders shall be supplied with a ticket in the prescribed form in which the date of issue of each article of uniform shall be recorded. The date of issue of great-coats, jerseys and gold fringes should also be noted in the service book of the warders concerned for facility of reference in case the ticket is lost.

270. (a) The Head Warder in charge of the Reserve Guard shall instruct all warders in the proper methods of putting on uniforms and accoutrements and pugri-tying.

(b) The following instructions shall be observed in wearing uniforms:—

*Blouse* shall be worn properly pulled down and the slack part gathered in two neat folds under the belt on each side and not at the back.

*Knicker-bockers* shall be tied below the knees; the *putties* should lap well up over them.

*Putties* shall be put on tightly, commencing from below and working up. The folds should be equidistant and all made one way, and should be brought as near as possible to the knee-cap.

271. Warders, when on duty, shall be properly and correctly dressed and, when off duty, shall wear either uniform or private clothes and shall not leave their quarters dressed partly in uniform and partly in private clothes.

272. Temporary warders shall not wear uniform. They shall be dressed in clean private clothes, but shall wear a khaki turban with a blue fringe, and a belt.

273. (a) All clothing when wet should be dried before being folded.

(b) To prevent damage being done by insects during hot weather and rains, and woollen clothing should be exposed to the sun for a day at least once a fortnight.

(c) Warders shall fold their uniforms neatly when not in use and deposit them in the kit-boxes supplied which shall be kept resting on stone platforms so as to avoid damp and white-ants.

274. A warder, when proceeding on leave for a period of one month or more, shall make over his articles of uniform to the Reserve Head Warder, who will see that they are neatly folded and that a label showing the owner's name and the contents is affixed to the bundle. In no case should these uniforms be issued to substitutes or to temporary warders.

During the monsoon, the clothes should be aired at least once a fortnight when the weather is fair.

275. The outfit of warders who have resigned, been dismissed or have died will be made over to their successors. Any necessary repairs will be executed by the prison free of charge. In the case of death from infectious disease, the clothing shall be destroyed under the orders of the Superintendent.

276. The blouses and other articles of uniform shall be altered by convict labour so as to fit warders, and any damage by fair wear shall be repaired by convict labour free of cost.



## CHAPTER XII.

### CLASSIFICATION AND SEPARATION OF PRISONERS.

277. Prisoners confined in the Ajmer Central Prison are classified in respect of—

- (a) *nationality*, as
  - (1) Indian, and
  - (2) European or Anglo-Indian;
- (b) *sex*, as
  - (1) Male, and
  - (2) Female;
- (c) *age*,
  - (A) in the case of males, as
    - (1) child offenders up to 14 years of age,
    - (2) young persons from 14 to 16 years of age,
    - (3) adolescents from 16 to 21 years of age, and
    - (4) adults.
  - (B) in the case of females, as
    - (1) juveniles up to 16 years of age,
    - (2) adolescents up to the age of 21, and
    - (3) adults; and
- (d) *offence*, as
  - (1) civil, and
  - (2) criminal.

278. The term "civil prisoner" includes—

- (1) a judgement-debtor confined under a warrant in execution of a decree of a civil court;
- (2) a revenue defaulter detained in custody under the Ajmer-Merwara Land and Revenue Regulations; and
- (3) generally any prisoner other than a criminal prisoner.

279. Criminal prisoners are classified as—

- (1) Under-trial prisoner, or
- (2) Convicted prisoner.

280. The under-trial prisoners are classified according to their social status, as

- (1) "superior class"; and
- (2) ordinary.

The "ordinary class" has two sub-divisions, viz.:—

- (1) "Casuals"—those who have not been convicted before;
- (2) "Habituals"—those who have been convicted before or are members of a criminal tribe.

281. The convicted criminals are classified, in respect of—

(a) *Social status and mode of living, as*

- (1) Class A,
- (2) Class B, and,
- (3) Class C.

The authority to award Class A or Class B treatment rests with the Provincial Government on the recommendations of the District Magistrate and the convicting Court.

*N.B.*—Rules for the treatment of Classes A and B convicts are given in Chapter XIII.

(b) *The nature of the offences committed and previous history, as*

- (1) casuals, and
- (2) habituals.

This classification is made by the convicting Courts.

(c) *The punishment awarded, as*

- (1) convicts sentenced to simple imprisonment,
- (2) convicts sentenced to rigorous imprisonment or transportation, and
- (3) convicts sentenced to death.

Convicts sentenced to death are kept in separate cells under a special guard.

282. Lunatics are also received in the Ajmer Central Prison. They may be—

- (1) non-criminal, or
- (2) criminal.

The criminal lunatics are divided into three classes, A, B and C. For their definitions see the chapter "Lunatics". They are kept separate from other prisoners.

283. The following prisoners shall be liable to be classified as "habitual criminals", namely:—

- (1) Any prisoner convicted of an offence whose previous conviction or convictions under Chapters XII, XVI, XVII or XVIII of the Indian Penal Code taken by themselves or with the facts of the present case show that he habitually commits an offence or offences punishable under any or all of those chapters;
- (2) Any prisoner committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure, 1898;
- (3) A prisoner convicted of any of the offences specified in clause (1) above when it appears from the facts of the case even though no previous conviction has been proved, that he is by habit a member of a gang of dacoits or of thieves or a dealer in slaves or in stolen property;
- (4) Any member of a criminal tribe;

- (5) Any prisoner convicted of an offence and sentenced to imprisonment under the corresponding section of the Indian Penal Code and the Code of Criminal Procedure, 1898, as applied by order under the Indian (Foreign Jurisdiction) Order in Council, 1902, or by authority of any Prince or State in India;
- (6) Any prisoner convicted by a court or tribunal acting outside India under the general or special authority of His Majesty of an offence which would have rendered him liable to be classified as an habitual criminal if he had been convicted in a court established in British India.

*Explanation.*—For the purpose of this definition the word "conviction" shall include an order made under section 118 read with section 110 of the Code of Criminal Procedure, 1898.

284. The classification of a convicted prisoner as an habitual criminal should ordinarily be made by the convicting court, but if the convicting court omits to do so such classification may be made by the district magistrate, or in the absence of an order by the convicting court or District Magistrate and pending the result of a reference to the District Magistrate, by the officer in charge of the prison where such convicted prisoner is confined:

Provided that any prisoner classed as an habitual criminal may apply for a revision of the order.

285. The convicting court or the District Magistrate may, for reasons to be recorded in writing, direct that any convicted prisoner or any prisoner committed to or detained in prison under section 123 (read with section 109 or section 110) of the Code of Criminal Procedure, 1898, shall not be classed as an habitual criminal and may revise such direction.

286. Convicting courts or District Magistrate, as the case may be, may revise their own classifications, and the District Magistrate may alter any classification of a prisoner made by a convicting court or any other authority:—

Provided that the alteration is made on the basis of facts which were not before such court or authority.

NOTE.—The expression "District Magistrate" wherever it occurs in the preceding paragraphs means the District Magistrate of the District in which the criminal was convicted, committed or detained.

287. (1) Whenever a person is sentenced to imprisonment for an offence, the magistrate who passes the sentence shall determine whether the convict is to be classed as an "habitual" or otherwise, and shall endorse the word "habitual" or "casual", as the case may be, legibly on the warrant of commitment, and sign such endorsement.

(2) If the convict has been previously convicted, a statement containing the particulars of the previous convictions should be attached to the warrant of commitment.

(3) The Superintendent shall satisfy himself that the convicting courts endorse the classification on warrants and in cases where this is not done, he shall return the warrants for necessary endorsement.

288. When a convict not classified as habitual is recognised as a previously convicted prisoner, the Superintendent shall inform the District Magistrate and return the warrant for correction.

## II.—SEPARATION.

289. European or Anglo-Indian prisoners shall be kept in the special wards provided for them. Classes A and B prisoners and the superior class under-trials shall be kept in separate wards than other prisoners.

290. Female prisoners of all classes shall be confined in the barracks or cells inside the female enclosure.

291. Prisoners suffering from contagious diseases shall be kept in separate cells. Prisoners who are in the convalescent gang or are old and infirm are also kept in the hospital barracks.

292. Convicts of the casual class, *i.e.*, those who have not been classified as an habitual, shall at all times be kept separate from convicts of the habitual class.

293. The "casual" prisoners shall wear red caps and their clothing shall have a red stripe of four threads, and "habitual" prisoners shall wear black caps and their clothing shall have a blue stripe of the same width. The cloth for the female clothing shall have a red or black stripe half an inch wide.

294. Male juvenile prisoners shall be confined in cells and barracks, each class entirely separate from each other and from other prisoners. At night they shall be kept in separate cells.

295. Every habitual criminal shall be confined in a cubicle or cell or in a special ward in which no prisoners other than habitual criminals shall be kept:

Provided that the Inspector-General of Prisons may sanction the transfer to the special ward of any prisoner, not being an habitual criminal, whom, for reasons to be recorded in writing, the Superintendent of the prison believes to be of so vicious or depraved a character and to exercise, or likely to exercise, so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners; but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

## CHAPTER XIII.

## CLASS A AND CLASS B CONVICTS.

296. The rules in this chapter shall apply to those convicts who have been classified as Class A or Class B convicts by the Provincial Government.

297. Except as provided in this chapter, all rules in the Jail Manual shall apply to Class A and Class B convicts.

298. The following rules are prescribed for the Superintendent's inspection parade of Class A and Class B convicts:—

- (1) They shall parade in their own cells or barrack.
- (2) They shall stand on Superintendent's arrival on the left of their bed.
- (3) They shall neatly and uniformly arrange their clothing on their bed or berth.
- (4) They shall place their history tickets open at the end of the berth.
- (5) Newspapers and books shall be tidily arranged on the tables.
- (6) Feeding vessels shall be arranged in line outside the cell or barrack.

299. The scale of furniture allowed to Class A and Class B convicts is given below:—

## (a) For cells—

one iron or wooden bed or berth,  
one stool,  
one lantern, and  
necessary washing and sanitary appliances.

## b) For Association barrack—

one berth per prisoner,  
one large table with benches,  
sufficient lamps to enable reading at the table,  
necessary night sanitary appliances, and  
latrines and bathing sheds in the enclosure.

300. The scale of diet applicable to Class A and Class B convicts is given in paragraph 647.

301. The following eating utensils shall be supplied to each Class A or Class B convict:—

one plate,	or
one mug,	one plate,
one knife,	one cup,
one spoon, and	one <i>thali</i> , and
one fork	one spoon

according to the diet given.

## CHAPTER XVI.

## FEMALE PRISONERS AND CHILDREN.

330. Female prisoners fall into the following age-groups:—

- (1) juveniles, *i.e.*, under sixteen years of age;
- (2) adolescents, *i.e.*, from sixteen to twenty years of age; and
- (3) adults, *i.e.*, over twenty years of age.

331. The following classes of female prisoners shall be kept apart from one another:—

Unconvicted from convicted prisoners; juveniles and adolescents from adult prisoners; habitual from non-habitual prisoners; and prostitutes and procuresses from respectable women.

332. No female prisoner shall leave the female enclosure or be removed therefrom except for transfer, attendance at court, release or under orders of the Superintendent for any other special purpose. Whenever a female prisoner is authorized to leave the female enclosure, she will be accompanied by, and be in the custody of the female warder.

333. Warders acting as escorts to the Superintendent and visitors shall remain outside the female enclosure.

334. When a female convict under a sentence of 2 years or more is admitted, the Superintendent shall submit her nominal roll to the Inspector-General of Prisons, with a view to her transfer to a jail in the United Provinces or the Punjab.

335. Every female prisoner shall be supplied with a comb and oil for the hair, and one or two looking glasses shall be provided in each ward.

336. The hair of a female prisoner shall not be cut except when the Medical Officer considers necessary; in such cases the hair shall not be cut shorter than is necessary for the purposes of health and cleanliness.

337. Female convicts shall ordinarily be employed on repair of clothing, cleaning grain, etc., and shall whenever possible be given instruction in needle-work, knitting and other domestic industries. They shall not be employed on grinding grain.

338. The female prisoners shall attend to the cleanliness of the female enclosure; they shall at the prescribed hour under the supervision of the female warder place all refuse outside the enclosure for removal by male convicts.

339. A female prisoner is not liable to be punished by handcuffs, fetters or whipping; provided that handcuffs may be imposed on any female prisoner as a means of restraint only.

340. (a) Every female convict who is resident of a district other than Ajmer-Merwara shall be transferred to the prison nearest to her home at least ten days prior to the date of her release.

(b) The Superintendent shall inform the District Magistrate concerned of the date of release and the names and addresses of the relatives of every female convict who is to be released one month before such date, to enable him to ask them to come and receive her at the prison gate.

(c) A nominal roll of such female convict will be submitted to the Inspector-General, one month prior to date of release with a view to the necessary intimation being sent to the Inspector-General of Prisons of the province to which the female convict will be sent.

341. When a female convict under 40 years of age is transferred to another prison, she will be accompanied by a female warder, whether travelling alone or in company with other female convicts.

342. In the case of a female convict who is resident of Ajmer-Merwara, an intimation of the date of release will be given to her relatives, through the Commissioner, one month before date of release.

343. In the event of no relative appearing on the day of release, the Superintendent shall, in the case of a female prisoner under 40 years of age, send her to her home in the charge of the female warder, and in all other cases release her at the prison gate.

344. Female prisoners released from prison shall receive subsistence allowance for the journey to their homes at double the rates allowed for male prisoners.

345. The Jailer shall note in his report book the arrangements made for the safe conduct to her home of every female convict released.

346. Female prisoners may be allowed to keep their children with them till the children attain six years of age.

347. When a child attains the age of six, the Superintendent shall inform the District Magistrate who shall arrange for the proper care of the child during the imprisonment of the mother by restoring it to the care of the father or other relatives, and in default by placing it in an institution or in the custody of a respectable person charged with the duty of bringing it up.

348. The rules about the diet and clothing of the female convicts and their children with them are given in the chapters "*Dietary*" and "*Clothing*".

## CHAPTER XVII.

## CONVICTS SENTENCED TO DEATH.

349. Every prisoner under sentence of death, immediately on arrival in the prison after sentence has been passed, shall be searched by, or by order of the Jailer, and every article of clothing and all articles of every description shall be taken from him. He shall be supplied with a suit of prison clothing, a bedding of felt and earthen utensils.

350. The following rules for the custody and guarding of the convicts under sentence of death shall be strictly followed:—

- (1) Every convict under sentence of death shall be confined in a cell apart from all other prisoners and shall be under the charge of a special guard by day and night.
- (2) The jailer or deputy jailer shall examine every cell in which any convict under sentence of death is to be confined and shall satisfy himself that it is secure and contains no article which it would be inexpedient to permit to remain in the cell. A lantern shall be kept burning from sunset to sunrise in front of the grated door of every cell which is occupied and shall be so placed as to throw a good light on the condemned convict.
- (3) The Jailer or Deputy Jailer, morning and evening, shall search carefully the convict and examine his cell and shall satisfy himself that the convict has in his possession no forbidden articles and that his cell is sound and secure, and shall examine the convict's food and be present when it is issued, reporting in the daily report book that he has carried out these duties.
- (4) Every prison officer on night rounds shall visit the cells for condemned convicts and satisfy himself that the sentry is on the alert, the convict is present and the lantern is burning brightly.
- (5) The guarding of condemned convicts shall be carried out by trustworthy permanent warders of different caste and different districts from those of the convicts.
- (6) The guard shall consist of four warders under one Head Warder for not more than 3 convicts. Every warder shall be on duty for two hours at a time.
- (7) The warder on duty shall be armed with a baton and provided with a whistle, and shall patrol up and down past the front of the cells so that each convict may be brought into view at short intervals. The warder shall allow no person to go near or communicate with the convict except the Superintendent, the Medical Officer, the Jailer, the Deputy Jailer, the Sub-Assistant Surgeon, the Head Warders on duty, official visitors, prison officers on night rounds, the authorized menials of the prison under proper guard and authorized persons under proper guard. He shall sound the whistle in all cases of emergency.



- (8) In addition to the sentry on duty on the condemned convicts, at least one warder shall be present in the guard room throughout the day. The whole guard shall be present in the guard room throughout the night. Warders shall be permitted the use of their own bedding and charpoys when off duty during the night.
- (9) The Head Warder on duty shall visit the cell occupied by a condemned convict on his rounds and at uncertain hours during the day and night and shall forthwith report to the Jailer any neglect on the part of the sentry or unusual or suspicious conduct of the convict.
- (10) The key of the cell in which a condemned convict is confined shall be kept by the Head Warder on duty and the duplicate shall be stored in the key-chest at the main gate. The Head Warder shall, in case of emergency, such as an attempt to commit suicide, enter the cell and take necessary action.
- (11) The door of the cell in which a condemned convict is confined shall not ordinarily be opened unless the convict has been first handcuffed. This precaution need not be taken if three warders and a superior officer are present.
- (12) A condemned convict may be permitted to occupy the verandah in front of his cell for half an hour morning and evening, but only one such convict at a time shall be allowed to do so. During this time handcuffs should be applied and remain on the convict.
- (13) A convict sweeper or any other prison servant permitted to enter the cell of a condemned convict shall be carefully searched before he enters the cell and kept under close observation by the Head Warder on duty.

351. Condemned convicts shall not be fettered except when for lack of accommodation they are confined in cells not meant for the confinement of such convicts.

352. A convict under sentence of death shall be allowed the ordinary diet of a labouring prisoner. He may also be allowed reasonable indulgences at the discretion of the Superintendent.

353. The rules in the preceding paragraphs apply also to a female convict under sentence of death subject to the reservation that she shall be confined in a separate cell in the female ward and the duty of her search and guarding shall be performed by female warders. She shall not be handcuffed except when this is absolutely necessary for the safety of the convict.

354. Every convict under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable. In these cases, at the convict's request, the Magistrate of the District to which he belongs, may be requested by the Superintendent of the prison to communicate to the convict's friends his wish for an interview.

355. The Jailer, Deputy Jailer or Clerk shall maintain on the history-ticket of every convict under sentence of death a continuous record of events, with dates relating to appeals, petitions of mercy, interviews, etc.

356. (1) The following are the instructions relating to the duties of Superintendents of the Prison in connection with petitions for mercy from or on behalf of convicts under sentence of death:—

- I. Immediately on receipt of a warrant for execution consequent on the confirmation by the Judicial Commissioner's Court of a sentence of death, the Jail Superintendent shall inform the convict concerned that if he desires to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.
- II. If the convict submits a petition within the period of seven days prescribed by Instruction I it should be addressed both to the Provincial Government and to the Governor General, and the Superintendent of the Jail shall forthwith despatch it to the Secretary to the Provincial Government in the Department concerned, together with a covering letter reporting the date fixed for the execution, and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the despatch of the petition, the Superintendent shall telegraph to the Secretary to the Provincial Government, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the Provincial Government's reply.
- III. If the convict submits a petition after the period prescribed by Instruction I, the Superintendent of the Jail shall at once forward it to the Provincial Government, and at the same time telegraph the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence will not be carried out. If such petition is, however, received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the Provincial Government and at the same time telegraph the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.
- IV. If the convict submits a petition for mercy addressed to His Majesty the King Emperor or the Secretary of State, the Superintendent shall at once forward it to the Provincial Government and shall at the same time telegraph the substance of the petition and the date of execution to the Provincial Government.  
He shall not further postpone execution unless specially ordered by the Provincial Government.
- V. In the event of its coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, anything in the foregoing rules notwithstanding, to report the circumstances by telegraph to the Provincial Government and ask for its orders and to defer execution till they are received.

VI. The Superintendent shall at once repeat back to the Secretary to the Provincial Government in the Department concerned all telegrams communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

(2) If intimation is received from or on behalf of a convict that it is intended to apply to the Judicial Committee of the Privy Council for special leave to appeal, the Superintendent shall at once forward the intimation and telegraph its substance to the Provincial Government for orders, postponing the execution until these orders are received. He shall, at the same time, communicate to the Provincial Government the name and address of counsel acting for the convict, if this information is available. The execution of a sentence of death shall be postponed in the case of a condemned convict who has not filed an application for special leave to appeal to the Judicial Committee of the Privy Council when any other convict or convicts sentenced to death in the same case has or have filed such application or applications.

357. When a convict under sentence of death develops insanity after conviction, the Superintendent shall stay the execution of the sentence of death and inform the District Magistrate, who shall submit immediately a report, through the Sessions Judge, for the orders of Government.

358. In the event of pregnancy being declared by a female convict sentenced to death, the Superintendent shall endorse on the warrant the fact as certified by the Medical Officer and return the warrant to the Sessions Judge for reference to the High Court, or such action as the circumstance calls for.

359. When the orders of the Provincial Government and the Governor General rejecting a petition for mercy have been received, the Superintendent shall communicate them to the condemned convict.

360. When the date of execution has finally been fixed, the Superintendent shall—

- (a) arrange for the services of an executioner;
- (b) inform the District Magistrate of the date and time of the execution; and
- (c) communicate to the nearest relatives of the convict, by a registered letter, if necessary, the date and time of the execution.

361. The District Magistrate shall instruct the Superintendent of Police to detail a party from the reserve consisting of not less than one Inspector or Sub-Inspector, two Head Constables and twelve Constables armed with muskets and provided with ball ammunition for duty at the prison on the morning of the date of execution.

362. The Superintendent shall test the gallows and the execution ropes on the evening before the day of execution, fixing the drop and carrying out the test with a bag of sand weighing one and a half times the weight of the prisoner. The bag shall be placed on a teapoy on the gallows platform so that the neck of the bag round which the rope to be tested is placed will be about five feet above the level of the platform. The Jailor shall deposit the rope after it has been tested in a secure place.

363. The scale of drop shall be regulated according to the convict's weight and shall be as follows:—

For a convict under 100 lbs., 7 ft.

For a convict under 140 lbs., 5 ft. 6 inches.

For a convict under 160 lbs., 5 ft.

The drop is measured from a point on the rope opposite the angle of the lower jaw of the convict to the point where the rope is held by the metal ring of the noose tightened on the neck.

364. The following rules for the conduct of the executions have been prescribed:—

- (a) The execution shall be carried out in an enclosure reserved for the purpose. Only a limited number of adult male persons may attend the execution and the Superintendent may exclude any such persons where special circumstances appear to him to justify such a course. They will not be allowed to cross the partition wall built in the enclosure and will be searched before they are admitted.
- (b) The District Magistrate shall attend the execution himself, or depute a Magistrate with not less than second class powers to be present at the place of execution before sunrise on the day fixed.
- (c) The police guard shall be present at the main gate of the prison at daybreak on the morning of the execution. The arrangements for the disposal of the police guard shall be carried out under the orders of the District Magistrate or other Magistrate present. The guard shall remain in attendance until the body is taken down.
- (d) The prison guard shall be paraded at the main gate fully armed and provided with ammunition.
- (e) When an execution is being carried out, all other prisoners shall be kept locked up in their barracks and cells till the execution is over.
- (f) The Deputy Jailer and two warders shall be posted at the outer door of the gallows enclosure. They shall admit within the enclosure only such persons who have received permission to attend the execution.
- (g) At the time fixed the Magistrate, the Superintendent and the Jailer shall proceed to the condemned convict's cell, and the Superintendent and the Jailer shall identify the convict as the individual named in the warrant of execution. The Superintendent shall then read out the warrant and orders of the appellate court and Government rejecting the appeal and petition for mercy of the convict. The Jailer shall also read out the warrant in vernacular and explain to the convict the purport of the orders.
- (h) As soon as the Magistrate, the Superintendent and the sub-Assistant Surgeon have taken their place in the gallows enclosure, the condemned convict shall be handcuffed behind the back and escorted by the prison guard under

the charge of the Jailer, through the wicket gate of the gallows enclosure, to the gallows.

- (e) The executioner shall strap the legs of the convict and under the orders of the Superintendent carry out the sentence. The body shall remain suspended for half an hour before being taken down and until the Medical Officer has certified that life is extinct. The Superintendent shall return the warrant of execution to the judge with an endorsement to the effect that the sentence has been carried out.

365. Unless the removal of the body of an executed criminal is likely to be made the occasion of a public demonstration, such body—

- (a) may, at the request of the friends or relatives of the deceased, be made over to such friends or relatives, or  
(b) if not made over to the friends or relatives under clause (a), may be disposed of under the rules prescribed in the Chapter "Death and disposal of the dead".

366. In the event of the District Magistrate or Magistrate in charge considering it undesirable that the body of an executed criminal should be made over to the relatives or friends of the deceased, such body shall, under the written order of the Magistrate, be burnt or buried within the prison precincts, with the racial or religious customs of the community to which the deceased belonged. Relatives or friends of the deceased not exceeding four may, at the discretion of the Magistrate, and under such conditions as he may impose, be admitted to the funeral ceremony and be allowed to perform any customary rites.

367. (a) A manilla rope one inch in diameter shall be used for executions. At least three such ropes in serviceable condition shall be maintained at the prison.

(b) The Superintendent shall condemn a rope which shows signs of wear or when he has any reason to suspect its reliability. No rope more than five years old shall be used at an execution. A label shall be sewn on to the end of every execution rope showing the date of its purchase.

(c) The Jailer shall see that the execution ropes are once in a quarter and after each execution dressed with beeswax and ghee in equal proportions, a little carbolic acid being added to the composition to keep off insects. To preserve them from the attacks of rats the ropes when not in use shall be placed in a *ghara*, which shall be closed and suspended from the roof of the store room, or kept in any other place of security.

368. Should any exceptional or unavoidable delay occur in carrying out a capital sentence, the Superintendent will fix a fresh date for the execution, which shall not be more than seven days from the date previously fixed for execution.

## CHAPTER XVIII.

## UNDER-TRIAL PRISONERS.

369. When admitting an under-trial prisoner into the prison, the Jailer shall cause him to be searched and take all weapons and prohibited articles from him.

370. The Jailer shall see that the warrant authorizing the prisoner's detention in the prison lock-up bears the date of committal and the date on which the prisoner is to be produced before the court. When a warrant is incomplete or the remand granted therein is for an indefinite period, the Superintendent shall, as soon as possible, return the warrant for correction to the court which issued it.

371. The Magistrate is expected to inform the Superintendent formally when an under-trial prisoner, for whose safe custody special precautions are necessary, is committed to prison.

372. The Superintendent shall satisfy himself by examination of the warrant that no under-trial prisoner is detained longer than fifteen days without a fresh remand, as this is contrary to law.

373. The Sub-Assistant Surgeon shall examine carefully every under-trial prisoner and record the result in the Jailer's report book as laid down in the chapter "Admission of Prisoners".

374. Every under-trial prisoner, on admission to the prison, shall—

- (a) be required to wash himself and his clothing thoroughly;
- (b) be supplied with a cup, plate and bedding, if necessary; if the prisoner is destitute, or has insufficient clothes, the Superintendent shall issue from the prison store such clothes as may be necessary; and
- (c) be provided with an "under-trials' ticket" in the prescribed form.

375. Every under-trial prisoner shall be brought for examination before the Superintendent and Medical Officer, who shall enter in the prescribed register his state of health, whether good, indifferent or bad, and any other observations.

376. (a) The Superintendent shall satisfy himself that a careful record of the identification marks, left thumb impression, and the condition of the hair and beard of every under-trial prisoner is made in the under-trials' register.

(b) An under-trial prisoner shall not be allowed to grow his hair or to shave in such a way as to alter his appearance so as to make it difficult to recognize him.

377. An under-trial prisoner who has been classified by the Magistrate as "Superior Class" shall be kept separate from other under-trials and

in addition to the privileges enjoyed by the unconvicted prisoners shall receive the diet given to class B non-labouring convicts and the same facilities for reading, including periodicals.

378. (a) Under-trial prisoners, who are members of criminal tribes or who have previous convictions, shall be kept separate from those who have no previous conviction.

(b) Under-trial prisoners, who have been reported by the court as approvers, shall be kept separate at all times from other prisoners concerned in the same case, and shall be prevented from communicating with them.

(c) A juvenile under-trial prisoner if not in company with his father or other relative shall be kept separate from adult under-trial prisoners.

379. If any under-trial prisoner commits any prison offence he is liable to the punishments prescribed in chapter "Offences and Punishments", with the exception of minor punishments 2, 3, 4, 5 and 11 and major punishments 1, 2 and 10.

380. The Superintendent may impose fetters on under-trial prisoners for safe custody if the character of the offence or of the prisoner gives reasonable grounds for considering this to be necessary; and shall cause the fact to be recorded on the prisoner's ticket and the fether register and shall initial the entries.

381. An under-trial prisoner—

(a) shall receive the non-labouring diet as prescribed in the chapter "Dietary";

(b) may be permitted to cook his own food;

(c) shall be permitted to wear his own clothes, the details of which shall be recorded in the under-trials' admission register;

(d) may purchase or receive from private sources food, clothing, bedding or other necessities, subject to the following restrictions:—

(1) such articles shall be examined by the Jailer before being introduced into the prison;

(2) tobacco, spirituous liquors and intoxicating drugs are prohibited, unless prescribed by the Medical Officer on medical grounds.

(3) all purchases shall be made by the Jailer under the orders of the Superintendent;

(e) shall not be required to labour. He shall keep himself and his clothing and bedding clean and may be required to keep the ward or cell occupied by him clean. Provided that no work of a degrading character to which he is not accustomed shall be exacted from an under-trial prisoner.

382. The Jailer shall see that the following routine is observed by the under-trial prisoners:—

	From 1st October to 31st March.	From 1st April to 30th September.
To visit the latrine in latches.	After unlocking up to 7 a.m.	After unlocking up to 6 a.m.
To be on parade in their enclosure.	7 to 9 a.m. . . . .	6 to 8 a.m.
To be locked up in their barracks.	9 to 10 a.m. . . . .	8 to 10 a.m.
To bathe and take their mid-day meal.	10 to 11 a.m. . . . .	10 to 11 a.m.
To be locked up in their barracks.	11 a.m. to 3 p.m. . . . .	11 a.m. to 4 p.m.
To take exercise, have evening meal and be unclothed and locked up.	3 p.m. to locking up. . . . .	4 p.m. to locking up.

383. When an under-trial prisoner is seriously ill the Superintendent shall send a report of the fact to the court, and this report shall be accompanied by a medical statement of the case, in order that if the court so orders the prisoner may be released on bail.

384. When an under-trial prisoner dies in prison, the Superintendent shall report at once the occurrence to the court which issued the warrant.

385. When the attendance of under-trial prisoners is required at court, the Prosecuting Inspector shall send to the prison a list of these prisoners. The Jailer shall deliver the prisoners requisitioned in the list to the officer in charge of the escort. The Police are responsible for the safe custody of any prisoner committed to their charge till he has been returned to the prison or discharged from custody in the course of law. It is for the police to decide whether such prisoners shall or shall not be handcuffed or fettered.

386. An under-trial prisoner shall be given his full morning meal before he is sent to court in the morning and arrangements shall be made to enable him to have his food in the prison when he returns.

387. Under-trial prisoners should not be kept at the courts so late as to necessitate their admission to prison after lock-up time. Superintendent shall draw the attention of the District Magistrate to any cases of non-observance of this rule.

388. When an under-trial prisoner is sent to another district for trial in another case, or for any other purpose, the Superintendent shall send with the prisoner an order requiring his return together with his ticket and a copy of his warrant of remand. The Jailer shall take a receipt for these documents from the officer in charge of the police escort.

389. (a) When an under-trial prisoner is admitted, who may have to be shown subsequently to witnesses for identification, the Superintendent of Police shall, intimate, in writing, to the Superintendent of



the Prison or some police officer not below the rank of Inspector shall inform the Jailer in writing at the time of admission or as soon afterwards as may be that identification will be required.

(b) When such intimation has been received the Superintendent of the Prison shall issue instructions to prevent the prisoners being disguised or their appearance changed in such a way as to make recognition difficult; such prisoners should be obliged to keep their hair in the same state till they are convicted or discharged, that is to say, if clean shaven they must not grow a beard, and *vice versa*. When witnesses are present for the purpose of identification the prisoners should wear the same clothes as they were wearing at the time of admission, unless the Magistrate who conducts the proceedings directs otherwise.

Before the proceedings begin the Prosecuting Inspector, who shall be permitted to be present at all identification proceedings, may satisfy himself that all rules in this paragraph have been fully observed.

(c) The Magistrate who attends the identification will be in charge of the proceedings and the prison officials shall obey his orders. The prisoners to be identified shall be placed among a number of prisoners or other persons and shall not be allowed to conceal their faces or stature so as to impede recognition.

(d) There should be no attempt at disguise. Prisoners should not be allowed to exchange clothing, and, if a prisoner cannot wear his own clothes, he should wear clothes of a similar kind, that is to say, if he is a field labourer he should not be dressed in white clothes of a city man or *vice versa*. If, however, a prisoner is wearing some conspicuous garment, such as a pink turban or a *razai* of a curious pattern and the witnesses may have been instructed to look out for a man with this distinctive mark, the Magistrate will determine whether he is to wear this special garment, remembering that in some cases recognition may depend on the particular clothes which a prisoner is wearing. In doubtful cases it will be better make the prisoner wear the clothes in which he was admitted to the prison, and in case of recognition to leave the defence to impeach the credit of the witness by suggesting tuition if they think fit.

## CHAPTER XIX.

## CIVIL PRISONERS.

390. Civil prisoners shall be confined in an enclosure entirely separate from the enclosures allotted to criminal prisoners.

391. Except as laid down in this chapter, all rules in the Jail Manual apply to the civil prisoners.

392. The search and examination of civil prisoners shall not be conducted in the presence of any other prisoner.

393. If a civil prisoner commits any prison offence, he is liable to the punishments prescribed in the chapter "Offences and Punishments" excepting handcuffs, fetters and whipping.

394. The maximum periods of detention in execution of a decree are as follows:—

- |  |             |
|--|-------------|
| (a) Where the decree is for the payment of a sum of money exceeding Rs. 50 . . . . . | Six months. |
| (b) In any other case . . . . .  | Six weeks.  |

395. The civil court fixes the monthly allowance for diet of the civil prisoners. The first payment shall be for such portion of the current month as remains unexpired at the date of committal of the judgment-debtor to prison and shall be made to the court and sent to the prison along with the prisoner. The subsequent payments shall be made to the Superintendent of the Prison before the first day of each calendar month.

396. Civil prisoners are permitted to cook their own food.

397. When a civil prisoner is supplied with articles of ration from the prison store-room, the cost of such articles of ration or diet shall be recovered from his subsistence allowance.

398. Civil prisoners may be permitted to purchase or receive from private sources food, clothing, bedding or other necessities subject to the following restrictions:—

- (a) Such articles shall be examined by the Jailer or other prison officer before being introduced into the prison.
- (b) Food cooked outside the prison shall be allowed only for such prisoners as the Superintendent, having regard to their former habits or social position, may authorize to receive it.
- (c) Spirituous liquors and intoxicating drugs are prohibited unless prescribed by the Medical Officer on medical grounds. The use of tobacco is permitted.
- (d) All purchases for any civil prisoner shall be made by or under the orders of the Superintendent.

399. Every civil prisoner not provided with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

400. When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person or his representative, shall deposit with the Superintendent necessary clothing and bedding for the use of the prisoner or pay to the Superintendent the cost thereof; and in default of such payment within 48 hours after the receipt by him of a demand in writing, the prisoner may be released.

401. A civil prisoner, with the Superintendent's permission, may work and follow any trade or profession. He shall keep the room he uses or occupies in a clean and orderly state. He shall be encouraged to work and, if he works on a trade, be allowed to receive his earnings subject to such deductions as the Superintendent may consider necessary for the use of prison tools.

402. Civil prisoners shall be allowed to see their relatives, friends and legal advisers between 7 A.M. and 2 P.M. in the interview room at the main gate on any day except Sundays and prison holidays.

403. The Superintendent shall release a civil prisoner:—

- (a) on the amount mentioned in the warrant for his detention being paid to the Superintendent;
- (b) on the omission by the person, on whose application the civil prisoner has been detained, to pay the subsistence allowance;
- (c) on receipt of an order of release from a court;
- (d) on expiry of the term of sentence prescribed in the warrant.

404. When a judgment-debtor is suffering from any serious illness, the Superintendent shall inform at once the committing court.

405. When the Superintendent is of opinion that the release of a civil prisoner is desirable on the ground of the existence of any infectious or contagious disease, he shall submit the case to government through the Inspector-General of Prisons for orders under section 59 (3) (a) of the Civil Procedure Code (Act V of 1908).

406. An abstract of the rules relating to civil prisoners as contained in this chapter shall be hung in each ward occupied by civil prisoners.

407. There shall be three grades of civil prisoners—

*First grade.*—All commissioned and gazetted officers of Government, and all other persons whose ordinary mode of living conforms to a similar standard.

*Second grade.*—All officers of Government other than commissioned and gazetted officers whose salary is not less than Rs. 50 a month, and all other persons whose mode of living conforms to a similar standard.

*Third grade.*—All other persons.

408. The following scales are prescribed for each grade:—

	Diet.	
First grade . . . . .	Two rupees per day	
Second grade . . . . .	One rupee per day.	
Third grade . . . . .	Six annas per day.	
	Clothing.	
	Summer.	Winter.
	Rs.	Rs.
First grade . . . . .	64	80
Second grade . . . . .	32	40
Third grade . . . . .	16	25

The Superintendent shall decide what articles of clothing shall be supplied, taking into consideration the clothing already in possession of the judgment-debtor and his actual requirements.

## CHAPTER XX.

## LUNATICS.

409. Lunatics detained in the prison may be—

- (1) Non-criminal, i.e., those who have committed no crime and are sent for medical observation under the provisions of Act IV of 1912.
- (2) Criminal, i.e., those who are accused of having committed or who have committed a crime.

410. Criminal lunatics are of three classes—

- (A) persons who at the time of their trial are found to be of unsound mind and incapable of making their defence (section 466, Code of Criminal Procedure, 1898);
- (B) persons of sound mind at the time of trial but acquitted by the court on the ground that at the time at which they were alleged to have committed an offence they were, by reason of unsound mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law (section 471, Code of Criminal Procedure, 1898);
- (C) convicts who have become of unsound mind after admission into the prison (section 30 of the Prisoners Act, 1900).

411. Every person sent to the prison for medical observation or detention as a lunatic shall be kept separate from other prisoners.

412. A lunatic shall be considered dangerous until the Medical Officer gives an opinion that he is harmless.

413. The Superintendent and Medical Officer shall from time to time, give such directions as may be necessary, for appropriately guarding the lunatic, and shall warn the Prison Officers of any symptoms which necessitate greater watchfulness.

414. European lunatics are ordinarily sent to Ranchi Mental Hospital. Indian lunatics are sent to the Agra or Lahore Mental Hospital after an inquiry has been made as to whether accommodation is available.

415. No lunatic shall be despatched to the mental hospital unless a Medical Officer certifies in the prescribed form immediately before despatch that the said lunatic is fit to travel. This certificate shall be sent to the Superintendent of the Mental Hospital by post.

*Non-Criminal Lunatics.*

416. Whenever the Magistrate sends to the prison any person alleged to be a lunatic for medical observation, he shall issue an order in writing under section 16 (1) of the Indian Lunacy Act, 1912, directing his detention for a period not exceeding ten days and at the same time furnish a statement of the particulars of the case in the prescribed form.

417. If the Medical Officer desires to obtain further information or to keep the person under observation for a further period, he shall request

the magistrate accordingly and the magistrate may, from time to time, authorize such further detention for such periods not exceeding ten days at a time as he thinks necessary:

Provided that, no person shall be so detained for a total period exceeding thirty days from the date on which he was first brought before the magistrate.

418. The medical certificate shall be in the prescribed form and shall state the facts upon which the certifying officer has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others.

419. (a) The Superintendent shall make the best arrangements possible for the comfort of the lunatic, having regard to his class and condition in life.

(b) A non-criminal lunatic may be given the diet at the non-labouring scale with such modifications and additions of extra diet as the Medical Officer may direct. He may be supplied with food from outside under the same conditions as are applicable to the under-trial prisoners.

(c) The cost of maintenance, including charges for extra warders if any, of non-criminal lunatics detained in the prison shall be recovered from the magistrate.

### *Criminal Lunatics.*

420. Dangerous criminal lunatics should not be kept in the Ajmer Central Prison. Their cases should be reported at once with a view to their transfer.

421. Harmless criminal lunatics may be confined in the Ajmer Central Prison, but shall be transferred to a mental hospital as soon as accommodation can be arranged for.

422. The duties of the Inspector-General of Prisons as regards class A and B lunatics confined in the prison, are given in sections 473 and 474 of the Code of Criminal Procedure (Act V of 1898).

423. The Superintendent shall maintain a Case Book in which he shall record, as they occur, any points of interest in the history of every criminal lunatic while he is under his charge.

424. When a criminal lunatic is transferred to a mental hospital, an abstract of the Case Book and a Medical History Sheet, in the prescribed form, shall be sent with him.

425. Whenever it appears to the Superintendent that any convict is of unsound mind, and ought to be transferred to a mental hospital, he shall submit a report at once with the convict's nominal roll and a medical certificate (in Form 3 Schedule I of Act IV of 1912) to the Inspector-General of Prisons who shall forward it to Government for the issue of necessary orders.

426. When a convict is transferred to a mental hospital under the provisions of sub-section (1) of section 30 of the Prisoners Act, 1900, the Superintendent shall send the following documents with the convict to the mental hospital:—

- (1) The Government order directing his transfer.
- (2) The nominal roll of the prisoner.
- (3) The warrant of commitment and the convict's history-ticket.

- (4) The medical certificate.
- (5) The medical history sheet.
- (6) A copy of the judgment in his case.

427. When any convicted criminal lunatic has become of sound mind and an order has been issued by government for his return to Ajmer Central Prison, the time during which he was detained in the mental hospital shall be reckoned as sentence undergone.

428. When a recovered criminal lunatic is detained in the prison, he shall be given such employment as may be determined by the Medical Officer.

[Rules issued by the Provincial Government under sub-section (i) of section 91 of the Indian Lunacy Act, 1912 (IV of 1912), are contained in Appendix VI.]

## FORMS.

### 1. MEDICAL CERTIFICATE.

*Certificate of fitness for transfer and condition of Health in the case of Lunatics sent to Asylum.*

Station .

Dated .

Certified that criminal lunatic/the lunatic (name) is in sufficiently good health, and in a fit state, to travel from (name of the station) to the Punjab Mental Hospital, Lahore/Mental Hospital, Agra.

Medical Officer.

### 2. MAGISTRATE'S STATEMENT OF PARTICULARS.

(If any of the particulars in this statement are not known, the fact to be so stated.)

1. Name of patient in full, and caste or race.
2. Name of patient's father.
3. Sex and age of patient.
4. Marks whereby the patients may be identified.
5. Married or single or widowed.
6. Condition of life and previous occupation (if any).
7. Religion.
8. Place of birth and recent place of abode.
9. Whether homeless or living with relatives or friends.
10. Previous history and habits.
11. State of bodily health and whether fit to travel.
12. Whether any member of the patient's family has been or is afflicted with insanity.
13. Whether the attack is the first attack of insanity or not.
14. Age (if known) at onset of first attack.
15. Duration and nature of any previous attacks.
16. Duration of existing attack.
17. Symptoms exhibited.
18. Supposed cause of insanity.
19. Supposed exciting cause of present attack.

20. Whether subject to epilepsy.
21. Whether the patient is addicted to alcohol or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.
22. Whether suicidal, and, if so, the grounds on which the statement is based.
23. Whether dangerous to others, and, if so, the grounds on which the statement is based.
24. Circumstances which led to the patient's arrest.
25. Whether capable (a) of taking care of himself, (b) of earning a livelihood.
26. Whether sufficient security is obtainable, and whether there are relatives able and willing to take care of him.

### 3. MEDICAL OFFICER'S CERTIFICATE.

I, the undersigned, hereby certify that I have noticed the following facts which came to my notice while was under my observation :—

Dated

19 .

(Sd.)

Civil Surgeon,

### 4. CASE BOOK.

Date.	Medical history.	Treatment, diet, etc.

### 5. MEDICAL HISTORY SHEET.

*N.B.*—The ultimate responsibility for the preparation of this form rests with the Committing Officer, who must see that the requisite information is supplied by the Police and the Medical Officer without undue delay.

*Questions to be answered upon information supplied by the Police alone.*

1. Name of patient in full and caste or race.
2. Name of patient's father.
3. Married or single or widowed.
4. Condition of life and previous occupation (if any).
5. Religion.
6. Place of birth and recent place of abode.\*
7. Whether homeless or living with relatives.†
8. Whether any member of patient's family has been or is affected with insanity.
9. Whether the attack is the first attack of insanity or not.
10. Age (if known) at onset of first attack.

\* Here the name of village, Police Station and district and length of residence should be stated.

† This heading should show the names and addresses of the relatives or persons legally bound to maintain the lunatic (if any), and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the asylum and, if not, why not.

[illegible]



## CHAPTER XXI.

## ADMISSION OF PRISONERS.

429. The general rules under which prisoners are to be admitted, discharged and removed from one prison to another are given in sections 24 to 26 of the Prisons Act, 1894.

430. The Superintendent or Jailer shall receive and detain all prisoners duly committed to his custody by any court or magistrate according to the exigency of any writ, warrant or order by which such prisoner has been committed. In case no regular warrant or order accompanies the prisoner, the Superintendent or Jailer shall immediately apply to the person who forwarded the prisoner for the necessary order and other documents and shall detain the prisoner in the *hawalat* until the regular warrant or order, signed by an authorized court or magistrate, has been received.

431. Before admitting a prisoner, the Jailer shall question him and ascertain that his name and other particulars correspond with those entered in the writ, warrant or order, and shall give a receipt in the prescribed form to the police officer in charge of the escort.

432. All convicted prisoners shall be admitted irrespective of the time at which they arrive at a prison. Under-trial prisoners shall not be admitted after the prison has been locked up for the night without the special written orders of a magistrate.

433. Prisoners received in the prison after it has been locked up shall be confined in separate cells for the night or kept at the main gate under proper custody. Barracks shall not be opened at night for this purpose.

434. Whenever an epidemic is prevalent, quarantine for the requisite period is a necessary protection against the introduction of the epidemic into the prison. In normal times newly admitted prisoners will be kept separate until the Medical Officer directs that they may be placed with other prisoners.

435. Every prisoner on arrival at the main gate shall be examined by the Sub-Assistant Surgeon in the presence of the Jailer or Deputy Jailer on duty. The name of the prisoner, the time of examination, and the result of the examination, with special reference to any injuries, wounds, contusions or abrasions detected shall be entered in Jailer's report book and the entries shall be signed by the Jailer or Deputy Jailer, as the case may be, and the Sub-Assistant Surgeon. The clothing of all prisoners shall be carefully examined, and if suspicious stains are found, the Commissioner shall be informed and the clothing stored under lock and key.

436. The Superintendent shall report at once to the District Magistrate full particulars of any recent injuries, wounds, contusions or abrasions found on the person of any prisoner, which appear to be due to violence and which are not explained by the nature of the case in which the prisoner is accused or has been convicted.

437. Every convicted criminal prisoner shall on admission be required to wash himself and his clothing thoroughly.

438. Every prisoner sentenced to rigorous imprisonment shall be provided with prison clothing according to the scale laid down in the chapter "Clothing", and a cup and a plate.

439. Every Convict shall be brought for examination fully equipped with clothing before the Medical Officer, at his visit who shall enter in the admission register the state of health of the prisoner, whether good, indifferent or bad, with any other observations, and, if the prisoner is sentenced to rigorous imprisonment, the class of labour for which the prisoner is fit, whether hard, medium or light. When the medical officer and the Superintendent are separate officers, the prisoner shall also be produced before the Superintendent.

The Superintendent shall enter in the register the particular labour on which the prisoner will be employed. He shall ask the prisoner and record whether the prisoner elects to appeal or not. The Clerk shall read out the details of the prisoner's private property in the Admission register and the Superintendent shall countersign the entries after satisfying himself of the accurate description of jewellery or other valuables and the amount of cash. The Superintendent shall satisfy himself that the prisoner's description, identification marks and thumb-impression have been recorded in the Admission register. He shall check the warrant and satisfy himself that the release date and the check date, as the case may be, have been calculated correctly and posted in all the registers concerned. He shall initial the entries on the history ticket relating to health and labour and inspect the prisoner's identification ticket and clothing.

440. The Superintendent shall further examine the warrant of every convicted prisoner and satisfy himself that—

- (1) there is a separate warrant for every prisoner;
- (2) the warrant bears the date on which the sentence is passed and the seal of the court and signature of the presiding officer of the court;
- (3) the parentage, caste, residence and occupation of the convict are set forth in the warrant;
- (4) the period of imprisonment to which a prisoner has been sentenced is stated in words as well as in figures;
- (5) the nature of imprisonment, i.e., simple or rigorous, is clearly set forth;
- (6) the orders of the court are clearly stated in the warrant—
  - (a) in the case of a prisoner already undergoing a sentence, as to whether the sentence or sentences passed subsequently shall take effect at once or after the expiry of the current sentence, and
  - (b) in the case of two or more sentences awarded on the same day, as to whether the sentences shall run concurrently, or consecutively;
- (7) full particulars of any alternative sentence of imprisonment to be undergone in default of payment of fine are recorded;
- (8) in the case of those previously convicted, a statement of the dates, nature of offence and terms of sentences is recorded.

441. The Superintendent shall refuse the warrant for correction to the officer who issued it, if by an error or omission, due to mere oversight, the warrant is defective in form or otherwise irregular.

442. (a) In case the Superintendent doubts the legality of any warrant sent to him for execution, he shall follow the procedure laid down in section 17 of the Prisoners Act, 1900. The reference therein prescribed shall be made to the Provincial Government through the Commissioner.

(b) Pending a reference made under this rule, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

443. When a sentence of whipping has been awarded in addition to imprisonment, the Superintendent shall cause an entry in blue pencil to be made in the release register on the page devoted to the date on which the whipping should be administered.

444. The Superintendent shall be guided by the following rules in calculating the dates of release of prisoners:—

(a) the day on which the sentence was passed and the day of release shall count as days of imprisonment;

(b) the term "month" or "year" means a calendar month or a calendar year;

(c) when a sentence includes a fraction of a month, the month shall be reckoned to consist of 30 days;

(d) when a convict who was released on bail pending appeal or escaped is re-admitted or re-captured, the day on which he was released or escaped and the day on which he was re-admitted or re-captured shall both be counted as days of imprisonment;

(e) when a prisoner has been committed to prison under two separate warrants, the sentence in the one to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first sentence being set aside on appeal, be presumed to take effect from the date on which he was committed to prison under the first or original sentence.

(f) if a sentence of death is commuted to one of transportation or imprisonment, the sentence of transportation or imprisonment shall be held to commence from the date on which the sentence of death was passed.

445. If any person in respect of whom an order requiring security is made under section 106 or 118 of the Code of Criminal Procedure, 1898; is, at the time such order is made, sentenced to or undergoing a sentence of imprisonment the period for which such security is required shall commence on the expiration of such sentence. In other cases such period shall commence on the date of such order unless the magistrate for sufficient reason fixes a later date.

446. When a prisoner who has been sentenced to imprisonment by an order under section 123 of the Code of Criminal Procedure, 1898, in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making

of such order, the latter sentence shall commence immediately or in other words the two sentences will run concurrently.

447. When a prisoner has been ordered by a magistrate to give security for a period exceeding one year and the prisoner not having given such security is detained in prison pending the orders of the Sessions Judge, the prisoner shall undergo simple or rigorous imprisonment as the magistrate may direct, until the receipt of a fresh warrant of the Sessions Judge. The Superintendent shall keep a separate note of such prisoners and remind the court if the Sessions Judge's order is not received within a reasonable period, and on its receipt return the warrant issued by the magistrate.

448. When a convict is found to be a military pensioner, this fact not having been known to the convicting magistrate, the Superintendent shall inform the District Magistrate.

449. When a prisoner undergoing sentence under a conviction in British India is surrendered to an Indian State his sentence shall be deemed to be suspended until the date of his re-surrender, when it shall revive and have effect for the portion thereof which was unexpired at the time of his surrender.

450. The warrants of all convicted prisoners shall be suitably arranged in the special warrant cupboard, the key of which shall be in the charge of the Jailer.

451. Every convicted prisoner shall be provided with a history-ticket in the prescribed form. The Superintendent shall cause the full information required by the printed entries at the head of the ticket to be recorded. The Superintendent and the Medical Officer shall record therein the prisoner's state of health and the labour on which he is to be employed, and the history-ticket throughout the period of imprisonment should be so maintained as to be a continuous record of the prisoner's conduct and employment. Entries of weighment shall be recorded fortnightly, and the Superintendent shall record in his own handwriting all entries of punishments. Entries of appeal, letters received and sent, interviews, admissions to, and discharges from, the hospital and the convalescent and infirm gangs and employment on out-gangs shall be made as occasion requires and initialled by the Superintendent. Entries in regard to issues of clothing and awards of remissions shall be made and initialled by the Jailer or the Deputy Jailer in charge.

452. The Superintendent shall prepare and record on the history-tickets an extract from the crime rolls of long-term prisoners. These extracts shall bring out any special features of the crime and the part taken by the convict, as well as his previous character and reputation.

453. The history-tickets shall be stored in boxes provided with secure locks. There shall be a box for each barrack in the prison. The Clerk will be responsible for both the correctness and safe custody of the history-tickets.

454. When a prisoner is admitted to hospital his history-ticket shall be sent with him, and the Sub-Assistant Surgeon shall be responsible for its safe custody.

455. The history-ticket shall be preserved by the Jailer for one year after the release of the prisoner, or, in the event of a prisoner's death, by the Sub-Assistant Surgeon for three years.

461. The Superintendent shall be responsible that necessary alterations are made in the registers and documents noted in the preceding paragraph when a prisoner's sentence is enhanced or reduced on appeal. Similar precautions shall be taken on the receipt of notice of realization of fine. The Superintendent and the Jailer shall initial these alterations.

462. The Jailer shall personally inform prisoners of the alterations made in their sentence on appeal or as the result of the amount of fine having been realized in full or part.

463. When an order of release or an order modifying a sentence or a notice of payment of fine is received in the prison, the Superintendent shall, if the prisoner has been transferred to another prison, at once forward the order or notice by registered post to the Superintendent of the prison concerned, and obtain a receipt.

464. (a) All money, jewellery and articles of clothing received with or found on the person of a prisoner on his admission to prison, or sent subsequently by the police or tendered by his relatives on his behalf immediately prior to his release, shall be received and taken over by the Jailer, and a list of all such money and property shall be made in the admission register and on the prisoner's warrant. This list shall be read over to the prisoner in the presence of the Jailer who shall countersign the entries in the admission register. The entries will also be attested by the prisoner's thumb-impression or signature. In the case of jewellery and valuable property, the description, weight and estimated value shall be noted. Any lists sent by the police with the property shall be securely filed with the warrant.

(b) Female prisoners may be allowed to retain in moderation bangles, toe-rings, nose-rings or other similar ornaments of no great value. The Superintendent may, however, at his discretion, refuse to allow the retention of ornaments in any particular case if he considers that this is likely to embarrass the administration of the prison. The female prisoners will be responsible for the safe-custody of such articles which should be entered on the history-ticket and initialled by the Superintendent. This list will be checked against the articles on every parade day by the Jailer.

465. The Jailer shall keep all valuable property in his custody in the treasure chest in small bags or pockets. Labels showing the name and number of the prisoner and his date of release shall be attached to each bag. A list of these packets shall be maintained by the Jailer, posted in the order of the serial number of the prisoners.

466. The receipt and disbursement of all money belonging to the prisoners shall be entered by the Jailer in the cash book, and all transactions shall be posted in the prison ledger under the head "Prisoners' cash deposits".

467. Money which is the property of the prisoners shall not be held for long terms by the Jailer, but shall be paid into the treasury at convenient intervals, and for this purpose a separate prisoners' cash deposit account with the treasury shall be maintained in the ledger. The cash balance retained by the Jailer shall not be in excess of the normal amount required for disbursement during each month, and money in excess of the anticipated expenditure shall be remitted to the treasury at the end of each month. The treasury receipts should be carefully filed and the file kept in the treasure chest.

468. Articles of clothing (after being carefully washed) and other property shall be carefully packed, labelled and stored. The prisoner's name and number and the contents of each packet will be written on the label which will bear the signature of the store-keeper in charge and that of each succeeding officer. Perishable articles shall be disposed of as the Superintendent may direct.

469. The clothing of every prisoner sentenced to a term of imprisonment for three years or more shall, on confirmation of his sentence or, if no appeal is made, at the expiration of the time allowed for appeal, be sold by public auction and the proceeds credited to the prisoner's account and a note to that effect made in the admission register and attested by the Superintendent.

470. The Superintendent may, under an authority signed by the prisoner, permit his money or any property to be delivered to the relatives or friends of the prisoner, but he shall before doing so satisfy himself that there are genuine grounds for the transaction, and that there are no reasons for retaining the money or other property for the use of the prisoner upon his release from prison.

471. On the transfer of a prisoner to another prison, all his money and other property shall be sent to the prison to which he is transferred.

472. The Jailer shall make over all property belonging to a prisoner of which he is in charge under paragraph 464 together with his clothing, to the owner on discharge. The Superintendent will countersign the entries in the admission register.

473. The money and other property of a deceased prisoner shall be sent to the District Magistrate for delivery to the relatives of the prisoner or disposed otherwise according to law.

474. Any money or other prohibited article found in a prisoner's possession after his admission into the prison shall be confiscated, and all money so confiscated and money realized from the sale of any articles confiscated shall be credited to the head "Prisoners' Relief Fund".

475. Every male prisoner, who is sentenced to rigorous imprisonment for a term exceeding two months, shall, on the confirmation of the sentence by the appellate court, or on the expiry of the period of appeal (if no appeal is preferred), have his hair clipped close and subsequently kept so clipped. The head will not be shaved except on medical grounds. The hair of the face will be shaved weekly except as provided for in paragraph 476. This operation shall be discontinued during the month immediately preceding release.

476. The beards and moustaches of all convicts sentenced to rigorous imprisonment for a term exceeding two months shall be closely trimmed and clipped, the beards of Muhammadans being left one inch in length. This operation shall be discontinued during the month immediately preceding release.

477. Prisoners sentenced to rigorous imprisonment for a term less than two months, prisoners under sentence of simple imprisonment and under-trial prisoners shall not have their heads shaved or beards clipped except on medical grounds. Under-trial prisoners shall not be allowed to crop their hair or in any way to alter their appearance so as to make it difficult to recognize them.

478. Any prisoner to whom the above proceedings would be justly offensive or degrading may, at the discretion of the Superintendent, be exempted.

479. Reasonable respect shall be paid to religious scruples and caste prejudices of the prisoners in all matters so far as is compatible with discipline.

480. The Superintendent may exempt any prisoner from having his head shaved or beard clipped on the ground of religious scruples or caste prejudices. Sikhs shall not have their hair cut or removed in any way and shall be allowed to retain the symbols of their religion, excepting the kirpan (dagger), i.e., they shall be allowed to wear a small cloth instead of a cap, also the *kara*, the *kesh*, the *kunghi* and *jangiah*.

481. Hindus shall be allowed to retain the *chutia* or top-knot and the *janeo* or the sacred thread. If the relatives of any prisoner are unable to provide for the supply and renewal of the *janeo*, a free issue shall be made at the expense of Government.

482. Prisoners professing a religion, the adherents of which are accustomed to use rosaries as aids to devotional exercises, should be allowed to wear their own rosaries. If the relatives of the prisoner are unable to provide for the renewal of rosaries, they shall be renewed at the expense of Government.

483. Prisoners shall be allowed to say prayers and keep fasts which are enjoined by their religion: provided, that—

- (1) they are performed in a quiet and orderly manner,
- (2) no gathering together of prisoners for the purpose of performing any ceremony or religious devotion shall, in any circumstances, be permitted,
- (3) no relaxation in the ordinary rules for work shall be allowed; but, the Medical Officer should carefully watch the health and physical condition of such prisoners as are observing fast and recommend a change of labour, if necessary.

484. Prisoners who can read may be allowed to have not more than two books at a time from the prison library or from friends outside the prison, provided that the books have been approved by the Superintendent and the Superintendent has sanctioned the privilege. The privilege is liable to forfeiture for misconduct. The prisoners may read their books on Sundays and prison holidays or, if permitted by the Superintendent, during their spare time on working days. The Superintendent is not authorized to issue newspapers without the sanction of the Inspector-General of Prisons.

485. (a) The Superintendent may appoint religious instructors for the purpose of giving lectures to prisoners on moral and religious subjects.

(b) Such instruction shall be given once a week for not more than one hour on such day and time as may be prescribed by the Superintendent.

(c) A prison officer shall be present on such occasions who shall have authority to check any departure from the limits of religious and moral instruction.

486. The Superintendent may grant such allowance to the instructors as he may consider necessary to meet the travelling expenses.

## CHAPTER XXII.

## APPEALS.

487. The periods within which appeals must be filed are as follows:—

- |  |          |
|--|----------|
| (1) To the District Magistrate or the Court of Session . . . . . | 30 days  |
| (2) To the High Court against a sentence of death . . . . .      | 7 days.  |
| (3) To the High Court in any other case . . . . .                | 60 days. |

488. The Superintendent shall inform every convict on first admission to prison of the period within which an appeal from the order under which he has been committed to prison may be filed. If the convict desires to appeal and is entitled to do so, every facility shall be granted him for the purpose.

489. The date on which a convict decides to appeal or not to appeal and his decision shall be entered in the appropriate space in the history-ticket. In case he decides to appeal, subsequent entries relating to the appeal and its result shall also be recorded therein and in the Appeal Register.

490. If a relative or agent of the convict undertakes to make an appeal on his behalf, the arrangement must be authorized by power-of-attorney signed by the prisoner and attested by the Superintendent, or, in his absence, by the Jailer or the Deputy Jailer. For this service no fee shall be demanded or accepted.

491. If a convict without friends, relatives or counsel to act for him elects to appeal, the Superintendent shall apply to the court concerned for a copy of the judgment or order appealed against.

492. When the copy of the judgment has been received, the date of its receipt shall be noted thereon and the convict shall, if he is able to write, write his own petition of appeal; if not, the Superintendent shall cause his petition to be written by a prison officer and the convict's case shall, as far as possible, be recorded in his own words.

493. (a) The presentation of a petition of appeal by a convict to the Superintendent is, for the purposes of the Indian Limitation Act, 1908, equivalent to presentation to the court.

(b) The Superintendent shall not detain the appeal of any convict even though it be apparently barred by limitation.

494. The Superintendent shall inform every convict under sentence of death that if he wishes to appeal to the High Court, he must do so within seven days. If he has elected to appeal, but the copy of the judgment has not been received, the Superintendent shall, on the seventh day after the date of sentence, forward the petition of appeal to the Registrar of the High Court without waiting for the copy of the judgment. He shall note in the forwarding docket that a copy of the judgment has been applied for, but has not been received in time.

495. The Superintendent shall forward the petition of appeal with the copy of the judgment or order to the appellate court. On the petition of appeal shall be noted the following information:—

- (a) the date on which the application for copy of the judgment was despatched;



- (b) the date on which the copy of the judgment was received;
- (c) the date on which the convict presented the petition of appeal.

496. The Superintendent shall take such measures as will insure the prompt transmission of convicts' application for copies of judgments, and the immediate submission of their appeals as soon as copies of judgments are received. In the case of exceptional delay in the receipt of copies of judgments, the matter should be brought to the notice of the Commissioner, Ajmer-Merwara.

497. When notice of the date of hearing has been received, the Superintendent shall communicate the date to the convict, who shall affix his left thumb-impression or signature on the notice, which will then be attested by the Superintendent and returned to the court or office from which it was received. Notices issued by the High Court shall, after service, be returned to the court direct, and the court or office through which notices were received shall be informed of the service and direct return of the notices.

498. When the order on an appeal has been received, the Superintendent shall himself communicate its purport to the convict concerned, and shall enter on the order a certificate to the effect that it has been so communicated. The copy of the appellate court's order and other connected papers shall be filed with the convict's warrant. In cases where an amended warrant is not received with the copy of the order, the Superintendent shall make a report to the court by which such amended warrant is required to be issued.

499. Whenever a convict has been transferred to another prison before the receipt of the copy of the judgment or order on his appeal, the copy of the judgment or order, as the case may be, shall, on receipt, be forwarded without delay to the Superintendent of the Prison in which the prisoner is confined, and an acknowledgment obtained.

500. The provisions laid down in this chapter shall, as far as may be, apply to the petitions for revision of sentences under Chapter XXXII of the Code of Criminal Procedure, 1898.

501. A copy of these rules shall be printed in Urdu and Hindi and hung up in the Superintendent's office and in every barrack occupied by convicts.

502. Rules relating to petitions for mercy from convicts sentenced to death have been given in the chapter "Convicts sentenced to death".

## CHAPTER XXIII.

## RELEASE OF PRISONERS.

503. Rules for calculating the dates of release of convicts are contained in paragraph 444.

504. On the admission to prison of a convict with a substantive sentence of less than six months, his name shall be entered in the release register under the date on which his sentence will expire. If special remission is awarded subsequently, the date shall be altered.

505. (a) The names of convicts whose substantive sentences are of six months and above will not be entered in the release register at the time of admission. For every such convict a date called the "check date" shall be fixed. This date shall be the day on which the convict will complete three-fourths of his sentence. The check date shall be entered in the release check register on the page allotted to the month within which the check date falls, and shall also be recorded on the history-ticket, warrant or warrant cover and remission card, and all entries shall be signed by the Superintendent and the Jailer.

(b) The check date of a convict who has been sentenced to transportation for a term of more than fourteen years or for life or to rigorous imprisonment for terms exceeding in the aggregate fourteen years shall be fixed as if he had been given a sentence of fourteen years' imprisonment. This date shall be revised later in accordance with the Government's orders on the fourteen years' return prescribed in paragraph 529.

506. (1) In the first week of each month the Jailer shall examine the warrant, remission card and history-ticket of every convict whose name is entered in the release check register for the month next following, and shall fix the final date of release after crediting the convict with the remissions already earned and those which he is likely to earn in the interval. The Jailer shall, when the date has been checked and sanctioned by the Superintendent, enter the convict's name in the release register under that date and in the monthly release diary under the month in which the release falls:

Provided that if the date so fixed does not fall within three months, the Jailer shall by estimation fix a fresh check date which shall not be more than three months antecedent to the anticipated date of release as far as it can be ascertained from the information available at that time.

The Superintendent, the Jailer and the Deputy Jailer or Clerk shall initial this entry and the similar entries made in the warrant or warrant cover, remission card and history-ticket.

(2) A new check date shall be fixed whenever—

- (a) a convict's sentence is enhanced or reduced,
- (b) a convict's fine or fines are paid in whole or part,
- (c) a convict receives or forfeits extensive remission,
- (d) Government passes orders under the 14 years' rule (paragraph 529).

507. On or about the 25th of each month, the names, numbers, places of residence and other particulars of all convicts who are to be released

- (c) three annas a day for each day's journey beyond twenty miles by rail;
- (d) double allowances for the female convicts and for journeys in the hills.

525. (a) The Superintendent shall give every convict whose home is on or near railway line and at a distance of more than five miles from the prison the price of a railway ticket to the station nearest to his destination, unless the convict has enough money of his own to pay for his railway fare. The ticket shall be third class, unless the Superintendent considers that the status of the prisoner makes it desirable that he should receive an intermediate class ticket.

(b) If the convict's home be outside Ajmer-Merwara, the Superintendent may give the prisoner a third class railway ticket to the railway station nearest his or her home with diet money according to the above scale for the journey by road between the railway and the prisoner's home.

526. The Superintendent shall forthwith, after the execution of every writ, order or warrant by which a person has been committed to prison, other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the court by which the same was issued or made, together with a certificate endorsed thereon and signed by him, showing how the same has been executed or why the person committed thereby has been discharged from custody before the execution thereof.

527. After execution of the sentences, the warrants of commitment of convicts sentenced by general or district courts-martial shall be sent to the Judge Advocate General of India, and those of convicts sentenced by summary courts-martial to the Officer Commanding the Unit in which the court was held.

528. The Superintendent shall return the warrant of every railway thief or swindler to the convicting court.

529. (a) The Superintendent shall submit to the Provincial Government through the Inspector-General, nominal rolls in duplicate of all life-convicts and of all convicts sentenced to more than fourteen years' imprisonment or transportation, or to transportation and imprisonment for terms exceeding in the aggregate fourteen years, when the term of imprisonment undergone, together with any remission earned under the rules amounts to fourteen years.

(b) The Superintendent is not authorized to detain in prison any convict who is not a life-convict after he has earned such remission as entitles him to release under the provisions of Chapter XXV.

(c) For cases of convicts falling under the 20 and 25 years' rule the Superintendent is referred to chapter. "Good Conduct Remission Rules".

## CHAPTER XXIV.

## TRANSFER OF PRISONERS.

530. The transfer of convicts from and to the Ajmer Central Prison shall be directed by Inspector-General of Prisons, subject to the orders and control of the Provincial Government.

531. (A) The following rules made under section 29 (1) of the Prisoners Act, 1900 (III of 1900), as amended by the Repealing and Amending Act, 1903 (I of 1903), regulate the removal of prisoners from province to province:—

(I) Any prisoner belonging to any of the following classes:—

members of criminal tribes and police-registered criminals not being natives of the province in which they are undergoing sentence,

may be removed by order of the Inspector-General of Prisons of the province in which he has been undergoing sentence at any time not exceeding two months prior to his release either to the prison of the District to which he belongs or to the prison nearest to his native place.

Notice shall in each case be given to the Inspector-General of Prisons of the province to which a prisoner is removed:

Provided that if a Provincial Government appoints any prison or prisons as receiving depôts for prisoners removed from other provinces, orders made under this rule shall in each case direct that the prisoner be removed to such prison.

(II) Any prisoner, whose detention in a prison of the province in which he is undergoing sentence is deemed inexpedient may be removed with the previous consent of the Inspector-General of Prisons of the province to which it is proposed to remove him.

(III) Any prisoner undergoing sentence in a prison in the Punjab, whose services, by reason of his possessing special qualifications or a knowledge of special trades, are required for purposes of prison administration in the North-West Frontier Province, may be removed to any prison in the North-West Frontier Province by order of the Inspector-General of Prisons of the Punjab.

the previous consent of the Inspector-General of Prisons of that province in each case.

533. When any convict is transferred from any other province to Ajmer Central Prison for release, the Superintendent will inform the District Magistrate who, in communication with the Superintendent of Police, will take such action as he may consider necessary.

534. The Superintendent shall submit to the Inspector-General of Prisons, the descriptive rolls, with a view to transfer, of any prisoner or prisoners whose detention in this prison he considers unsafe, or inexpedient for any reason.

535. The Superintendent shall submit to the Inspector-General of Prisons descriptive rolls of convicts, with a view to transfer, as soon as the number of prisoners confined in the prison exceeds its capacity and shall forward therewith a memorandum of the prison population in the subjoined form:—

	Convicts.		Under-Arrests.		Civil Prisoners.	
	Male.	Female.	Male.	Female.	Male.	Female.
Actual population . . .						
Capacity . . . . .						

536. Adult male convicts whose transfer to another prison is sanctioned to undergo sentence will not ordinarily be transferred until the result of appeal is known, or if he has not applied, until the expiry of the period within which appeal is permissible.

537. Convicts sentenced to whipping in addition to imprisonment shall not be recommended for transfer until the expiration of the period prescribed by law for the infliction of such punishment, or in case of appeal until the sentence of whipping has been inflicted or annulled or commuted, as the case may be.

538. Convicts in bad health and infirm convicts and prisoners sentenced to simple imprisonment shall not be recommended for transfer, except for special reasons.

539. (a) The Superintendent shall submit to the Inspector-General of Prisons, with a view to transfer, the descriptive rolls of the following classes of convicts:—

- (1) Male convicts under the age of 21 years and female convicts who have been sentenced to rigorous imprisonment for two years or more.
- (2) Leper convicts, sentenced to more than 3 months.
- (3) Convicts suffering from tuberculosis.
- (4) Mentally defective convicts and convicts suffering from mental aberration not amounting to insanity in its certifiable form.

(b) The Inspector-General of Prisons may, in consultation with the Inspector-General of Prisons, United Provinces or the Punjab, arrange for transfer of such convicts to a prison in those provinces.

540. The Superintendent shall submit to the Inspector-General of Prisons three months before the date of release, the descriptive roll, with a view to transfer to the prison of his district of residence for release, of any convict who is not a resident of Ajmer-Merwara, and

- (1) is a police-registered convict,
- (2) is a member of a criminal tribe,
- (3) against whom an order has been made under section 505 of the Code of Criminal Procedure, 1898,
- (4) is conditionally released under section 401 of the Code of Criminal Procedure, 1898.

NOTE.—Rules regulating the transfer of the juvenile and female convicts for release when they are not residents of Ajmer-Merwara are contained in the chapters relating to those classes of prisoners.

541. The following rules shall be observed in the case of Police-Registered Convicts:—

- (1) A "Police-Registered" convict is a convict for whom a "P. R. slip" has been prepared by the Police and forwarded to the Superintendent of the Prison. The P. R. slip shall be attached to the convict's warrant. In the P. R. slip will be given the name of the district of the residence of the convict, i.e., the name of the district where his release is desired.
- (2) Immediately on receipt of the P. R. slip the Superintendent of the Prison shall have the letters "P. R." entered opposite the convict's name in the admission register, the release register and on his warrant and the history ticket.
- (3) The Police-Registered convicts who are to be transferred to other districts for release shall two months before their release becomes due, be transferred to the District Jails of the districts in which they should be released, or when such prisoners are to be released in Indian States, to the jails of the British Indian districts nearest these States. The sanction of the Inspector-General of Prisons should be applied for three months before the date of release. The P. R. slip and the convicts warrant and other documents shall be made over to the police guard and a receipt taken.

- (b) If a Police-Registered convict, who is to be released in another district is unfit, by reason of sickness for transfer, before the expiry of his sentence, the Superintendent of the Prison shall inform the Superintendent of Police, Ajmer, who will communicate with the Superintendent of Police of the District in which the convict should have been released. The Superintendent of the Prison will make the convict over to the local police on the day of his release, or as soon after as the prisoner's health permits of his being discharged from the prison, with his warrant.
- (6) In case of death or escape of a police-registered convict the Superintendent of the Prison shall send information thereof to the Superintendent of Police of the district.

542. The following rules regulate the procedure in the case of release of convicts against whom an order under section 565 of the Code of Criminal Procedure, 1898, has been made:—

- (a) Three months previous to the release of a convict with reference to whom an order under section 565 of the Code of Criminal Procedure, 1898, has been passed, the Superintendent shall inquire from the convict within what district he intends to reside on release.
- (b) If the convict notifies his intention to reside in any district of British India outside Ajmer-Merwara, the Superintendent shall request the Inspector-General of Prisons to obtain the previous consent of the Inspector-General of Prisons of the province to which the convict wishes to be transferred. After receipt of the order, the Superintendent shall transfer the convict to the jail concerned, to be released and dealt with, in accordance with the rules there in force.
- (c) If the convict has elected to reside within the district of Ajmer-Merwara, he shall on the day of release report himself in person to the Superintendent of Police and shall intimate to him the village or mohalla in which he intends to reside. The Superintendent of Police will then inform him of the conditions which he is required to fulfil.
- (d) In applying the foregoing rules to the case of a wandering man having no "residence" in the sense of a fixed place of abode, the place of residence shall be deemed to be the place where he sleeps, even if he remains there only one night. On his release he shall be asked under the preceding paragraph where he intends to stay, and be told that, if he moves about the country, he must always notify the place of his temporary abode to the police.

NOTE.—The rules regarding convicts against whom an order under section 565 of the Criminal Procedure Code has been passed are reproduced in Appendix II.

543. When a convict is transferred to another prison, the Superintendent shall see that the completion or partial completion of any sentence, as also the number of days of solitary confinement undergone by the convict if his sentence includes solitary confinement, is recorded on the back of the warrant.

He shall also see that all remissions, whether earned under the rules or granted under a special order, are recorded on the convict's history-ticket.

The Jailer is responsible that the above particulars are entered correctly, and all these entries shall be initialled by him and by the Superintendent. The reason for transfers on disciplinary grounds or for local reasons should be noted on the transfer roll and on the history-ticket for the information of the Superintendent of the receiving prisons.

544. When the sanction of the Inspector-General of Prisons has been obtained to the transfer of convicts, the Superintendent shall arrange for the police escort; and if the convicts are to travel by rail, shall arrange for the necessary accommodation.

545. Due notice, consisting of at least six clear days, shall be given by the Superintendent of the Prison to the Superintendent of Police of the intended despatch of a party of convicts by rail. The number and importance of the convicts is to be distinctly stated.

546. The Superintendent, as far as possible, shall arrange the dates of transfer so that convicts may not arrive at their destination on Sundays or gazetted holidays.

547. The convicts who are to be transferred shall be paraded inside the prison, and after the Medical Officer or the Sub-Assistant Surgeon has examined them and certified their fitness for the journey, shall be provided with all necessary clothing in good condition, bedding and the articles of diet requisite for the entire journey (which will be in charge of their escort) and such drinking vessels as the journey may require, and shall be minutely searched in the presence of the Jailer, the search to include clothing, bedding, etc. The Jailer shall satisfy himself that they have sufficient clothing and are properly dressed.

548. The convicts should receive a meal of cooked rations before starting and sufficient articles of food for the entire journey, or diet money should be sent with them.

549. (a) The convicts who are not admitted to either class A or class B shall wear bar-fetters and, if additional security is considered necessary, cross-bars.

(b) The convicts admitted to class A or class B shall not ordinarily be fettered but the Superintendent of Police may, in view of the length of sentence or any other reason, require bar-fetters to be imposed.

550. The convicts shall be again searched before passing out of the main gate in the presence of the officer in command of the escort who shall satisfy himself that the search is thorough, and shall then receive charge of the convicts, and shall be held responsible for their safe custody.

551. With the officer in command of the escort shall be sent a sealed packet containing the warrants, the nominal and descriptive rolls of the gang containing all particulars regarding each convict and the history-tickets of the convicts carefully brought up-to-date.

552. A statement in duplicate of all clothing, fetters, utensils and other Government property sent with the convicts transferred shall accompany the gang. An endorsement shall be made on the list requesting that the articles may be returned within a week of the date of receipt by rail, or if the journey has been by road, through the police escort.



In the case of convicts suffering from tuberculosis or leprosy, the return of the prison clothing will not be asked for.

In the case of convicts received from other jails, the prison clothing and fetters, etc., should be returned with the least possible delay.

553. The officer in charge of the escort will sign a receipt for the convicts and all prison property and documents made over to him with the convicts, and shall certify that the convicts were searched in his presence, and were free from any bruises or wounds or injuries due to maltreatment or beating before he took them over, and that their fetters, etc., were secured; this receipt and certificate will be entered in the column of remarks in the Transfer register.

554. When a gang consists of more than 25 convicts, a prison officer shall accompany it. His duties shall be as follows:—

- (i) to distribute the daily rations and see to the arrangements for cooking;
- (ii) to preserve carefully the nominal and descriptive rolls and history-tickets and warrants sent with every gang;
- (iii) to receive and return safely to the prison the clothing, bedding, fetters, etc., of the convicts;
- (iv) to be responsible for the safe custody and safe delivery of the property in deposit belonging to the convicts sent on transfer;
- (v) to take receipts from the receiving prison officials for all such property;
- (vi) in case of illness of any convict, to apply for advice and medicines to the nearest dispensary on the route;
- (vii) in case of heavy rain, to secure temporary shelter for the convicts, and assist them to dry their wet clothes and bedding;
- (viii) to see that the leather gaiters of such convicts as wear fetters are removed after the day's march and resumed before starting again;
- (ix) to see that the convict's gaiters are removed before wading through water and again resumed;
- (x) to see that after being soaked by rain, the convict's gaiters are softened with oil, which will be sent with each party;
- (xi) in case of any convict's leg becoming chafed, to remove the ring from that side and have it riveted to the wrist of the opposite arm.

The police officer in command of the escort will aid the prison officer with his authority in carrying out the above duties, and when the gang consists of less than 25 convicts, will himself be responsible for carrying them out.

555. Before the convicts have been despatched in the custody of the escort, the Superintendent shall send a letter or, if necessary, a telegram to the Superintendent of the Prison to which they are transferred, informing him of their despatch and the hour of arrival at destination. At the same time he will request the Superintendent of the receiving

prison to send an acknowledgment of the warrants and other documents sent with the police escort and to intimate the arrival of the convicts at their destination. In case of undue delay in the receipt of acknowledgment for the documents or of intimation of the arrival of convicts the Superintendent shall immediately institute inquiries.

556. When a convict dies in the course of transfer from one district to another, the Magistrate of the District to which the convict was being transferred is required to make inquiries into the circumstances attending the convict's death and to return his warrant to the Superintendent of the prison with a certificate of the convict's death under his official seal and signature.

557. The following rules regulate the movement of prisoners by rail:—

- (I) Prisoners on transfer to another prison shall be conveyed in a third class compartment except when despatched by mail train unless the District Magistrate has directed that accommodation in a higher class be provided. A prisoner shall however be permitted to travel with his escort in a higher class if he pays the total additional cost.
- (II) Reserved accommodation shall be provided when the number of prisoners and their escorts exceed five, or when insane, violent or dangerous prisoners or prisoners in military uniform are transferred or when the District Magistrate requests this to be done.
- (III) When reserved accommodation is required, the superintendent of Police shall send to the station-master a requisition for transport in the prescribed form. Twenty-four hours' notice must be given to the Station-Master to secure the accommodation.
- (IV) Prison fittings shall be attached in the reserved compartments when dangerous prisoners, including dacoits, are travelling or the number of prisoners is 25 or more. When prison fittings are required, the fact should be noted on the requisition form.
- (V) When reserved accommodation tickets are issued and when the party is booked through, the Superintendent of Police should advise the Station-Master to inform by wire all foreign line junctions of the traffic, and at the same time, if transshipment is necessary, to arrange at all junctions for reserved accommodation and prison fittings similar to those provided at the station from which the prisoners are despatched.
- (VI) Prisoners shall not be sent by mail trains, except for special reasons. Dangerous or notable prisoners shall not be sent by mail train, unless there are exceptional and special reasons. Prisoners travelling by mail train must travel in reserved compartments with prison fittings; the higher fares chargeable for journeys by mail trains shall be paid.
- (VII) Payment for reserved third class accommodation for prisoners and their escorts shall be made at the same rates as

are chargeable to the public. The number of prisoners and escorts in a reserved compartment shall not exceed the carrying capacity. A minimum charge of Rs. 5 per compartment reserved shall be made.

558. A prisoner under sentence of transportation shall be transferred to the Andaman Islands only if he is selected in accordance with the special instructions issued by the Central Government from time to time. The nominal roll of the convict shall be forwarded to the Chief Commissioner of the Andaman Islands for approval, and when approved the prisoner shall be transferred to the Presidency Jail, Calcutta, and the Superintendent of that jail shall arrange for the onward journey. The convict shall be provided with ordinary prison clothing on the winter scale and one *dhoti*.

The following documents should be handed over to the police escort :—

- Warrant of the convicting court, when not replaced by a warrant of the appellate court,
- Warrant of the Appellate Court (if any) and any orders of the Provincial Government in respect of the sentence,
- Descriptive Roll,
- Judgment,
- Nominal Roll,
- History-ticket with Medical History Sheet, etc.

NOTE.—The amount of remission should be stamped on the warrant by means of a rubber stamp with the inscription " Transferred to the Andamans on Total remissions earned days " and the entry be signed by a responsible officer.

559. No convict may be deported who suffers from any of the following diseases :—

- (i) blindness of both eyes to such an extent as to interfere with the performance of ordinary labour,
- (ii) insanity,
- (iii) idiocy,
- (iv) leprosy,
- (v) phthisis pulmonalis,
- (vi) epilepsy.

560. (a) On receipt of an order from a court for the production of any prisoner, the Superintendent shall at once apply to the Superintendent of Police for a police guard and shall request the attendance of the escort at the prison gate to receive charge of the prisoner at an hour named. The Superintendent of the Prison shall distinctly state the importance of the prisoner and whether he is specially dangerous.

(b) At the time fixed the prisoner shall be made over by the Superintendent of the Prison to the officer in command of the escort party, together with the order of the court requiring the production of the prisoner and any other necessary documents and a receipt for the prisoners and the documents, shall be signed by the officer in command and retained in the prison office.

561. When a convict is sent to another district for trial in another case or to give evidence, or for any other purpose, the Superintendent shall send with the convict an order requiring his return to the Ajmer Central Prison when he is no longer required by the court. He shall also send with the convict his history-ticket and a copy of his warrant of commitment. The Jailer shall take a receipt for these documents from the officer in charge of the police escort.

562. The Police department shall defray all charges of every kind arising from the conveyance of all prisoners to and from the courts, including the cost of dieting the prisoners when they are in custody of the police.

563. The rules in this chapter do not apply to State prisoners confined by the order of Government.

564. The following rules are laid down for the transfer to the United Kingdom or to a British possession of soldiers not enlisted in India who have been convicted by civil courts and discharged from the army:—

- (1) On receipt in prison of a military prisoner not enlisted in India who has been convicted by a civil court it should be ascertained without delay whether his discharge from the army has been ordered.
- (2) All such prisoners who are to be so discharged should, whenever possible, be removed from India under the provisions of the Colonial Prisoners' Removal Act, 1884, during the trooping season in which their sentences expire, or if their sentences expire between the end of one trooping season and the beginning of the next, during the season previous to the expiry of their sentences. In the latter case they should be sent, if possible, by the last troopship sailing at the end of the trooping season.
- (3) Cases may, however, occur in which it is impossible to arrange for deportation under the Act, either because the whole term of the sentence falls between the close of one trooping season and the opening of the next, or because the sentence itself or the period between the date of sentence and the closing of the trooping season is too short to admit of the necessary formalities being carried out. In such cases prisoners cannot be compelled to leave British India on release, but if they do not object to do so, they should be transferred to the Arthur Road Prison, Bombay, shortly before their sentences expire, and on completion of sentence they should be provided with a passage by a private vessel and unostentatiously sent on board. If they refuse to quit India, they must ordinarily be released from the jails of the province in which they have been convicted.
- (4) Prisoners dealt with under rule (2) and such of those referred to in rule (3) who do not object to quit India should be transferred, under the authority conferred on Provincial Governments by the general orders under section 29 (1) of the Prisoners' Act, 1900 (XIV of 1900), from the prison in which they are confined to the Arthur Road Prison,

Bombay. In the case of prisoners dealt with under rule (2), the transfer should be effected not less than three months before the end of the trooping season or before the expiry of the sentence, as the case may be. When the sentence is less than three months, the transfer should be made as soon as possible.

- (5) In the case of prisoners referred to in rule (2), Provincial Governments in directing the transfer, under the general orders referred to in rule (4), should make an order remitting the residue of the sentence with effect from the date of disembarkation in the United Kingdom or in the British possession to which the prisoner is removed. This order should be communicated to the Government of Bombay at the time of advising the prisoner's transfer. The earliest possible intimation should also be given to the Government of Bombay of the date on which the prisoner may be expected to arrive in Bombay and of the date and term of his original sentence.

- (6) In the case of prisoners dealt with under rule (2), the following procedure should be observed:—

Four months before the end of the trooping season or before the expiry of the prisoner's sentence, as the case may be, or in the case of shorter sentences, as soon as it has been ascertained that the prisoner is to be discharged, a request should without delay be made to the Central Government who will proceed to obtain the Secretary of State's orders for the prisoner's removal under sections 2 (b) and 5 of the Colonial Prisoners' Removal Act, 1884 (47 and 48, Victoria, Ch. 31). A copy of the despatch from the Central Government will be forwarded simultaneously to the Government of Bombay.

The Secretary of State will communicate the order of removal direct to the Government of Bombay, who will thereupon draw up in duplicate or in triplicate, as the case may be, a notification of concurrence in the order of removal in the form annexed for the signature of His Excellency the Governor as required by His Majesty's Order in Council, dated September 9, 1907, and will also issue the necessary warrant under section 7 of the Colonial Prisoners' Removal Act, 1884, directing the prisoner's removal to the United Kingdom or to a British possession. The Government of Bombay will send one copy of the notification of concurrence to the Secretary of State. In the case of the removal of a prisoner to a British possession, a copy will also be sent to the Governor of the colony to which the prisoner is to be removed.

NOTE.—The above procedure will not apply to a prisoner from one British possession to another in pursuance of an agreement made between such possessions and sanctioned by order in Council under the provisions of the Colonial Prisoners' Removal Act, 1884.

- (7) When it is desired to remove prisoners under warrant by troopship, the Government of Bombay will ascertain direct

*from General Officer Commanding, Bombay District, whether a passage can be provided and the name of the Officer Commanding the troops on board. In this case a warrant under section 7 of the Colonial Prisoners' Removal Act, 1884, shall confer the requisite authority upon the Officer Commanding the troops on board.*

- (8) Considerable time will be expended in carrying out the procedure described above, and it is essential that no delay shall occur in addressing the Central Government so as to enable them to obtain the Secretary of State's order of removal as soon as possible. Accordingly when the term of imprisonment is less than three months, the Central Government should be communicated with by telegraph.
- (9) Superintendent shall submit to the Inspector-General nominal rolls with full personal descriptions of all repatriates, whether ex-military convicts or deportees under the European Vagrancy Act, for transmission to Government in the Judicial Department. He shall also impound the passports of repatriates who are in possession of passports and forward them, with a report on the circumstances of their intended repatriation or expulsion, as the case may be, to the Inspector-General for transmission to Government in the Political Department.

## CHAPTER XXV.

## GOOD CONDUCT REMISSION RULES.

565. In good conduct remission-rules—

- (a) "prisoner" includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour;
- (b) "class 1 prisoner" means a thug, a robber by administration of poisonous drugs or a professional, hereditary or specially dangerous criminal convicted of heinous organized crime, such as dacoity;
- (c) "class 2 prisoner" means a dacoit or other person convicted of heinous organized crime, not being a professional, hereditary or specially dangerous criminal;
- (d) "class 3 prisoner" means a prisoner other than a class 1 or class 2 prisoner;
- (e) "sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour;
- (f) "life-convict" means—
  - (i) a class 1 or class 2 prisoner whose sentence amounts to 25 years' imprisonment, or
  - (ii) a class 3 prisoner whose sentence amounts to 20 years' imprisonment.

NOTE.—The case of all life-convicts and all prisoners sentenced to more than fourteen years' imprisonment or transportation or to transportation and imprisonment for terms exceeding in the aggregate fourteen years shall, when the term of imprisonment undergone together with any remission earned under the rules amounts to fourteen years, be submitted for the orders of the Provincial Government in accordance with the instructions contained in the Home Department resolution No. 159-67 (Jails), dated September 6, 1905.

566. (1) No remission shall be earned in respect of any sentence of transportation or imprisonment under section 2 of the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), passed on a person above the age of 15 years.

(2) No ordinary remission shall be earned in the following cases, namely:—

- (a) in respect of any sentence of imprisonment amounting, exclusive of any sentence passed in default of payment of fine, to less than six months;
- (b) in respect of any sentence of simple imprisonment, except for any continuous period not being less than one month during which the prisoner labours voluntarily;
- (c) if a prisoner is convicted of an offence committed after admission to jail under section 147, 148, 152, 224, 302, 304, 304A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352,

353 or 377 of the Indian Penal Code, "or of an assault committed after admission to jail on a warder or other officer, the remission of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of the Inspector-General of Prisons, be cancelled.

*NOTE.*—The intention of clause (2) (a) is that if a prisoner's sentence or total of sentences is reduced on appeal to less than six months, he shall cease to be eligible for ordinary remission under these rules, and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited. See in this connexion the definition of "sentence" in paragraph 565 (c).

567. The Superintendent may, with the previous sanction of the Inspector-General readmit to the remission system any prisoner who has been removed therefrom under rules framed under section 59, clause (3) of the Prisons Act, 1894. Such a prisoner shall earn remission under these rules from the commencement of the month following such re-admission.

568. (1) Ordinary remissions shall be awarded on the following scale:—

(a) two days per month for thoroughly good conduct and scrupulous attention to all prison regulations;

(b) two days per month for industry and the due performance of the daily task imposed.

(2) A prisoner who is unable to labour through causes beyond his control, by reason of being at court, in transit from one prison to another, in hospital or an invalid gang, shall be granted remission under clause (a) of this rule on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant. He should also be entitled to the grant of remission under clause (b) of this rule on the scale earned by him during the previous month, if he has been in prison during that term; if not, at the rate of two days per month:

Provided that if his absence from work is due to his own misconduct in jail, no remission under clause (b) of this rule shall be awarded for the period of absence:

Provided also that if he is in hospital or in an invalid gang, no remission under clause (b) of this rule shall be granted unless the Medical Officer certifies that the prisoner's absence from labour is due to causes beyond his control and is in no way caused by any action of the prisoner himself taken with a view to escape work or to get into or to remain in hospital.

569. In lieu of the remission allowed under paragraph 568, convict warders shall receive eight days' ordinary remission per month, convict overseers six days per month and convict night watchmen five days per month.

570. Subject to the provisions of paragraph 567, remission under paragraph 568 shall be calculated from the first day of the calendar month next following the date of the prisoner's sentence; any prisoner who, after having been released on bail, or because his sentence has been temporarily suspended, is afterwards re-admitted to jail shall be brought under the remission system on the first day of the calendar month next following his re-admission, but shall be credited on his



return to jail with any remission which he may have earned previous to his release on bail or the ansension of his sentence. Remission under paragraph 569 shall be calculated from the first day of the next calendar month following the appointment of the prisoner as Convict Warder, Convict Overseer or Convict Night Watchman.

571. Prisoners employed on prison services, such as cooks and sweepers, who work on Sundays and holidays, may be awarded two days' ordinary remission per quarter in addition to any other remission earned under these rules.

572. Any prisoner eligible for remission under these rules who, for a period of one year reckoned from the first day of the month following the date of his sentence or the date on which he was last punished for a prison offence, has committed no prison offences whatever, shall be awarded fifteen days' ordinary remission in addition to any other remission earned under these rules.

*Explanation.*—For the purposes of this rule prison offences punished only with a warning shall not be taken into account.

573. Ordinary remission shall be awarded by the Superintendent or, subject to his control and supervision and to the provisions of paragraph 574, by the Jailer, Deputy Jailer or any other officer specially empowered in that behalf by him.

574. An officer awarding ordinary remission shall, before making the award, consult the prisoner's history-ticket in which every offence proved against the prisoner must be carefully recorded, or if remission sheets (or cards) are not maintained in a general remission register.

If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under paragraph 568 or, if he is a convict officer under paragraph 569.

If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent, who, after considering the punishment or punishments awarded, shall decide what amount of remission shall be granted under paragraph 568, or if the convict is a convict officer, under paragraph 569. All remissions recorded on the prisoner's history-ticket shall be entered quarterly on the remission sheet (or card).

575. The award of ordinary remission shall be made as nearly as possible on January 1, April 1, July 1 and October 1, and the amount shall be intimated to the prisoner and recorded in his history-ticket. Remission granted to a prisoner under paragraph 572 shall be recorded on his history-ticket as soon as possible after it is awarded.

576. No prisoner shall receive ordinary remission for the calendar month in which he is released.

577. Special remission may be given to any prisoner, whether entitled to ordinary remission or not, other than a prisoner undergoing a sentence referred to in paragraph 566 (1) for special services, as for example:—

- (1) assisting in detecting or preventing breaches of prison discipline or regulations;
- ∴ (2) success in teaching handicrafts;

- (3) special excellence in, or greatly increased outturn of, work of good quality;
- (4) protecting an officer of the prison from attack;
- (5) assisting an officer of the prison in the case of outbreak, fire or similar emergency;
- (6) economy in wearing clothes.

578. Special remission may be awarded—

- (a) by the Superintendent to an amount not exceeding 30 days in one year;
- (b) by the Inspector-General or the Provincial Government to an amount not exceeding 60 days in one year.

*Explanation.*—For the purpose of this rule, years shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year.

579. An award of special remission shall be entered on the history-ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded.

580. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Provincial Government, exceed one-fourth part of his sentence.

581. In calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days at the rate of 30 days to each month.

582. When a life-convict who is either—

- (a) a class 1 prisoner, or
- (b) a class 2 or class 3 prisoner, with more than one sentence, or
- (c) a prisoner in whose case the Provincial Government has passed an order forbidding his release without reference to it,

has earned such remission as would entitle him to release but for the provisions of this rule, the Superintendent shall report accordingly to the Provincial Government in order that his case may be considered with reference to section 401 of the Code of Criminal Procedure, 1898.

583. Save as provided by paragraph 582, when a prisoner has earned such remission as entitles him to release, the Superintendent shall release him.

NOTE TO PARAGRAPHS 582 AND 583.—The intention of these paragraphs is (a) that the cases of class 1 life-convicts, of class 2 or class 3 life-convicts, who have more than one sentence for offences committed either before their admission to jail or while in jail, and of any other life-convicts in whose cases the Provincial Government may have deemed it desirable, should be submitted for the special orders of the Provincial Government as to whether release should be granted, and, if so, on what conditions (such conditions must, it should be noted, be prescribed by order under section 401, Code of Criminal Procedure); and (b) that all other convicts should, on the expiry of their sentences, less the periods of remission earned, be released unconditionally without any special orders from the Provincial Government.

584. When a prisoner is released under paragraph 583, the total amount of remission earned by him shall be endorsed on his warrant, and the endorsement shall be signed by the Superintendent.

585. When a prisoner is transferred to another jail, the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered on his history-ticket, these entries being signed by the Superintendent.

The receiving jail shall be responsible that the above information is duly obtained. Each jail at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail.

586. Remission sheets (or cards) shall be retained in the office of a jail for a period of one year after the release of the prisoner to whom they relate. When a prisoner is transferred to another jail, his remission sheet or card where such are maintained or where they are not maintained a statement certified by the Superintendent, of the total remission earned up to the date of transfer, shall be sent with the prisoner.

587. When a convict is sent to the prison under a sentence of transportation or imprisonment, whether for life or a term or term exceeding in the aggregate fourteen years on conviction of an offence classified as heinous in the first explanation hereto annexed, the court shall furnish the following information to the Superintendent of the Prison concerned:—

- (1) whether the said convict is a professional, hereditary or specially dangerous criminal; and
- (2) unless this is of the essence of the offence, whether the crime of which he was convicted was "organized" within the meaning of the second explanation hereto annexed.

*Explanation I.*—The following offences are classified as "heinous":—

Offences punishable under the provisions of the Indian Penal Code or any other law with a sentence of death, transportation for life or a sentence of seven or more years' imprisonment and offences punishable under the provisions of sections 147, 148, 152, 153A, 212, 379, 411, Indian Penal Code, provided that the final substantive sentence inflicted shall be of transportation or of imprisonment for a term of not less than two years.

*Explanation II.*—A crime is said to be "organized" when it is committed by one or more of a body of persons associated for the purpose of committing such crime or crimes of a similar nature.

588. Rules in regard to conditional release of life-convicts:—

- (I) Except as provided in Rule III hereafter, every life-convict falling under Class 2 of the classes of convicted prisoners specified in paragraph 565 who has earned a reduction of sentence under the said rules shall be unconditionally released on the expiry of his sentence as reduced under the provisions of the said rules.
- (II) Every life-convict of class 1, class 2 or class 3 of the classes of convicted prisoners specified in paragraph 565, who is provisionally entitled to be conditionally released under the provisions of the said rules before the expiration of the sentence, shall, during the period of remission of sentence earned under the remission rules, be released subject to

the conditions specified in the order of conditional release passed in his case and to the provisions of the rules as to police surveillance during such period.

- (III) In accordance with paragraphs 582 and 583 life-convicts shall be conditionally released by the order of the Provincial Government. If the convict's release is ordered, the execution of the remainder of the sentence will be suspended and the convict will be under police surveillance and, subject to the conditions hereinafter prescribed, till the expiration of the sentence or for such less time as may be directed.
- (IV) Each case shall be submitted to the Provincial Government through the Inspector-General of Prisons for consideration when the convict has served a period of fourteen years including remission of sentences earned by him in prison.
- (V) On receipt of this report, the Provincial Government shall decide whether the convict should be released immediately or required to serve a longer term. In the latter case the total period inclusive of remissions shall be specified and the convict shall be released without further reference to the Provincial Government when he has served this period, if the release is to be unconditional.
- (VI) If the release is to be conditional, the Superintendent shall at least two months before the date of release, submit the case to the Provincial Government for the issue of necessary orders.
- (VII) If an order for conditional release is issued by the Provincial Government, the convict shall be dealt with in the same manner as the convicts against whom an order under section 365, Code of Criminal Procedure has been passed, *vide* paragraph 542.

NOTE.—For the conditions of release prescribed by the Provincial Government for the release of convicts before the expiry of their sentence please see Appendix III.

## CHAPTER XXVI.

## CONVICT OFFICERS.

589. There shall be three grades of Convict Officers, viz., Convict Night Watchman, Convict Overseer and Convict Warder.

590. The maximum strength of convict warders and Convict Overseers is fixed as follows:—

Convict warders	.	.	.	.	.	.	.	.	10
Convict overseers	.	.	.	.	.	.	.	.	20
									<hr/>
Total	.	.	.	.	.	.	.	.	30
									<hr/>

The number of Convict Night Watchmen will depend on the number of barracks in actual use and will ordinarily be at the rate of 4 Convict Night Watchmen for each such barrack.

591. Every casual convict sentenced to rigorous imprisonment and every casual convict sentenced to simple imprisonment who elects to labour throughout the term of his imprisonment is eligible for appointment as convict officer. Convicts imprisoned under the Excise Act, or for escape (section 224, I. P. C.), attempt to escape, coining (sections 231 to 254, I. P. C.), counterfeiting (sections 256 to 263-A, I. P. C.), poisoning (section 328; I. P. C.), unnatural offence (section 377, I. P. C.) and forgery (sections 463, 464, 466 to 477-A, 489-A, 489-B, 489-C, and 489-D, I. P. C.), shall not be appointed Convict Officers.

592. Habitual convicts with no more than two previous convictions may be employed as Convict Night Watchmen in barracks reserved for habitual convicts, but shall not be promoted to any higher grade.

593. Promotion to the grades of Convict Night Watchman and Convict Overseer shall be made by the Superintendent. Special promotion may be made with the sanction of the Inspector-General of Prisons.

594. Convict Warders shall be selected by the Superintendent from the Convict Overseers.

Appointment to the grade of Convict Warder requires confirmation by the Inspector-General of Prisons.

595. A convict shall be eligible for appointment as Convict Night Watchman if he—

- (1) has completed one quarter of his sentence;
- (2) has given proof of his good behaviour and industry; and
- (3) is physically fit to undertake two hours' night duty in addition to his ordinary day labour.

596. A Convict Night Watchman shall be eligible for appointment as a Convict Overseer if—

- (1) he has served for three months in the grade of Convict Night watchman;
- (2) he has served half of his sentence; and
- (3) his conduct and health are good.

597. A Convict Overseer shall be eligible for appointment as a Convict Warder if—

- (1) he has served in the grade of Convict Overseer for at least one year;
- (2) he is a man of proved merit and intelligence;
- (3) his residence is fixed and his antecedents are of good repute.

598. No convict officer shall have independent charge of any file, gang or other body of prisoners, nor shall he have independent power to issue orders to prisoners but there shall always be a paid officer in superior charge under whose control and orders the convict officer shall work:

Provided that within the main walls of the prison a reliable Convict Overseer or warder may be entrusted with the charge of a gang employed on fatigue duty or of a convalescent gang or a small gang of sweepers, water carriers or compound sweepers.

599. Convict officers posted to patrol the main wall from inside during the day, shall be provided with batons and rattles or whistles.

600. (a) The duties of the convict officers on duty inside barracks at night are given in the chapter "Discipline and Night Watch".

(b) No convict officer shall be posted to night duty outside barracks.

601. Convict Overseers and warders may be employed in the gangs working outside the main gate to assist the paid warder in charge. A convict officer for the extramural gangs working beyond the prison precincts shall be selected with great care and after full enquiries into his antecedents and nature of crime, etc.

602. Convict Warders will be armed with the ordinary warder's baton.

603. Convict Warders and overseers shall receive elementary instruction in physical training exercises.

604. Convict officers of all grades shall be exempted from having their heads shaved and beards clipped. Convict Warders and Convict Overseers shall not be punished by the imposition of fetters.

605. Convict Warders and Overseers shall be paraded apart from ordinary prisoners.

606. Convict Overseers and Convict Warders may be permitted to wear shoes, provided at their own expense or at the expense of Government, at the discretion of the Superintendent.

607. Convict Warders shall receive pay in the form of gratuity at the rate of Re. 1 per month. This gratuity shall not be liable to forfeiture as a punishment and may be utilized at the option of the convict as a family remittance, or be allowed to accumulate till his release, or may be expended on any articles which he may wish to purchase at the discretion of the Superintendent.

608. A Convict Warders' account book shall be maintained, balanced monthly, checked and signed by the Superintendent.

609. The rules for convict officers shall *mutatis mutandis* be applicable to female convicts.

## CHAPTER XXVII.

## VISITORS.

610. In addition to Commissioner and the Chief Medical Officer, Rajputana, who as Inspector-General of Prisons and Superintendent of the prison respectively are in charge of the prison, the following are *ex-officio* visitors and shall visit the prison once a quarter:—

(1) The Additional Sessions Judge.

(2) The Assistant Commissioner and Additional District Magistrate.

611. (a) In addition to the official visitors mentioned in the foregoing paragraph, the Provincial Government shall appoint such persons, not less than two, as he may think fit, to be non-official visitors of the prison. The appointment shall be published and communicated to the Commissioner and the Superintendent

(b) The term of office of a non-official visitor shall be one year.

(c) A retiring visitor shall be eligible for re-appointment.

(d) The Provincial Government may at any time remove the name of any non-official visitor whom the Commissioner has after proper inquiry, found to have been guilty of improper conduct or breach of prison rules when visiting the prison: any such removal shall be published and intimation thereof given to the Commissioner and the Superintendent.

612. In order to secure a regular sequence of visits, the Commissioner shall cause the names of non-official visitors to be placed on a roster, and shall invite them to make monthly or quarterly visits by turns as he may direct. But nothing in this rule shall be deemed to derogate from the right of a non-official visitor to visit the prison on any day between the morning unlocking and the evening locking up.

613. A visitor may call for all books, papers and records other than those of a confidential nature, which are connected with the administration of the prison. He may visit every ward, yard and cell and see every prisoner in confinement and should endeavour to ascertain whether the rules and orders are being obeyed. The visitors must use tact and discretion in questioning prisoners.

614. (a) A visitor may record in the visitors' book any remarks or suggestions with regard to the internal management of the prison, or the state of discipline maintained therein. The Superintendent shall at once forward a copy of such remarks, with any explanation which he may deem necessary to the Inspector-General of Prisons, who shall make thereon such orders as the case requires. When a visitor considers that the sanctioned system requires modifications in any particulars, he should refer the opinion separately to the Inspector-General of Prisons, and should not discuss the subject in the visitors' book.

(b) There shall be only one book for the use of official and non-official visitors.

(c) The visitors' book shall on no account be removed from the prison.

615. The Superintendent shall cause the orders of the Inspector-General of Prisons to be copied into the visitors' book for the information of the visitors.

616. The Superintendent shall permit judicial and magisterial authorities and also any person provided with a written order from the Commissioner or Judicial Commissioner, to enter the prison for the purpose of recording the statement of any prisoner.

617. (a) A person, other than an official or a non-official visitor appointed by Government, may visit the prison, if he is accompanied by or has obtained the written permission of the Commissioner or the Superintendent. Visits by such persons may be made on any day between the hours of 7 and 11 a.m. This restriction, however, is not intended to prohibit the Superintendent from admitting persons whom he may wish to show round the prison at any other time.

(b) A person other than an official or non-official visitor appointed by Government shall not be permitted to put any questions to prisoners or to make any enquiries either from officials or from prisoners concerning the discipline and management of the prison.

(c) The Superintendent may remove from the prison any visitor who does not comply with these rules.

618. The Superintendent shall arrange that every visitor to the prison shall be accompanied by a responsible prison official and by an escort which shall consist of two warders armed with batons.

619. A reprint of the rules contained in this chapter shall be kept at the prison gate for the information of all visitors.



## CHAPTER XXVIII.

## INTERVIEWS AND LETTERS.

620. (a) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail. He shall be allowed to have interviews with, or write letters to, his friends once or twice, or oftener, if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.

(b) Every convict committed to prison in default of payment of fine or of finding security under chapter VIII of the Code of Criminal Procedure, 1898, shall be allowed to communicate by letter and to have one or more interviews with his relations or friends for the purpose of arranging for the payment of the fine or the furnishing of security.

(c) Every convict under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.

In these cases, the Superintendent may request the District Magistrate of Ajmer-Merwara or any other District to which the prisoner belongs, to communicate to the prisoner's friends the wish of a prisoner for interview at the prisoner's request.

621. (a) In addition to the privileges granted in the foregoing paragraph, every convict shall be allowed to have interviews with his friends and to write and receive letters according to the scale given below:—

- (I) *Class A convicts*.—One letter and one interview in a fortnight.
- (II) *Class B convicts*.—One letter and one interview in one month.
- (III) *Convict warders and convict overseers*.—One letter and one interview in one month.
- (IV) *Convict watchmen*.—One letter and one interview in two months.
- (V) *All other convicts*.—One letter and one interview in three months.

NOTES.—(1) A letter merely arranging an interview shall not be counted as a letter for the purposes of this rule.

(2) A convict may, with the permission of the Superintendent, substitute a letter with reply for an interview, or vice versa.

(b) A convict who has committed a serious prison offence shall be liable to have his privilege of interviews and letters suspended, at the discretion of the Superintendent, for a period not exceeding three months.

622. (a) The Superintendent, at his discretion, may sanction an interview or allow a letter to be despatched or received, as a special case for any special or urgent reasons, e.g.:—

(a) When a prisoner is seriously ill.

(b) In the case of serious illness or death of a near relative.

(c) If the friends or relatives have come from a long distance to see the convict.

(d) If the convict is nearing release and wants to secure employment.

NOTE.—When a prisoner is *dangerously* ill or in cases of extreme urgency in which the prisoner cannot himself communicate with his relatives, information should be sent to them and they will be permitted to interview the prisoner.

623. Matters of importance, such as the death of a relative may be communicated to the Superintendent at any time by the friends of a prisoner and the Superintendent, if he thinks it expedient, may inform the prisoner of the substance of the communication.

624. (a) No convict shall be allowed to have an interview or to receive or write a letter except with the permission of the Superintendent, which shall be recorded in writing.

(b) Every interview must be recorded in the Jailer's report book and be signed by the Superintendent. An entry should also be made of every interview or letter with its date on the convict's history-ticket, and should bear the initials of the Superintendent.

(c) The Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules if in his opinion it is inexpedient in the public interest to allow any particular person to interview a prisoner or if other sufficient cause exists. In every such case he shall record in his order book the reasons for such refusal.

(d) No minister of religion shall be allowed to have access to any prisoner who does not belong to his denomination unless the prisoner voluntarily and spontaneously expresses a wish to see such a minister, in which case the matter shall be reported to the Inspector-General of Prisons for orders.

625. Applications for interviews with prisoners shall be in writing. If the prisoner is not entitled to an interview, the applicant shall be informed at once and the petitions duly endorsed should be returned by the prison clerk to the petitioners. Petitions for interviews should be received on plain paper. There is usually in attendance outside the prison main gate a writer of petitions, and it is convenient to prescribe a certain form for his use; on no account should this charge for writing petitions for interviews be allowed to exceed one anna, irrespective of the number of relatives requesting the interview.

626. No Prison Officer, or relative of any Prison Officer, shall be allowed to engage in petition writing.

627. All petitions shall be deposited in a box placed at the main gate. This box should be kept locked and the key retained by the Jailer, who will open the box every morning. A notice to this effect should be put up at the main gate, specifying the particular hour daily at which the box should be opened.

628. Ordinarily the interviews are allowed on Sundays. The Superintendent may authorise interviews on other days, in special cases, between the hours of 7 a.m. and 2 p.m.

629. (a) Every interview shall take place ordinarily in the interview room at the main gate: provided that—

(1) If a prisoner is seriously ill the Superintendent may permit the interview in the hospital;

(2) A condemned prisoner shall ordinarily be interviewed in his cell;

(3) The Superintendent may, for special reasons to be recorded in writing, permit no interview to take place in any part of the prison.

(b) Not more than three persons will ordinarily be permitted at each interview.

630. Except as provided in paragraph 642, every interview with a prisoner shall take place in the presence of a prison officer, who shall be responsible that no irregularity occurs, and who shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties. The conversation shall be limited to private and domestic matters and shall not extend to politics.

631. The time allowed for an interview shall not ordinarily exceed thirty minutes, but may be extended by the Superintendent at his discretion.

632. An interview may be terminated at any moment, if the prison officer present considers that sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present in the prison.

633. Every convict and every unconvicted criminal prisoner shall be carefully searched before and after an interview.

634. Writing materials shall be supplied to any prisoner who has permission to write a letter, and all letters shall be written at such time and place as the Superintendent may appoint. Service postage stamps and postcards will be supplied at government expense for prisoners' letters at the discretion of the Superintendent.

635. No letter shall be delivered to or sent by a convict until it has been examined by the Superintendent or by the Jailer or other prison officer under the Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery or despatch. If a letter is written in a language unknown to the Jailer or the Superintendent, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable, or he may erase any improper or objectionable passages. The subject matter of the letters should be limited to private and domestic matters and shall not extend to politics.

636. If a letter is addressed to a prisoner who is not entitled under the rules to receive it, it may, unless the Superintendent determines to communicate it under paragraph 622, be withheld and kept in the Superintendent's custody until the prisoner is entitled to receive it or is released, when it shall be delivered to him, unless it is improper or objectionable; or it may be returned to the sender with an intimation that the prisoner is not entitled to receive it.

637. A convict may retain any letter which has been delivered to him with due authority unless the Superintendent otherwise directs, or may ask that it be kept for him.

638. Any prisoner who abuses any privileges relating to the holding of an interview or the writing of letters or other communication with

any person outside the prison, shall be liable to be excluded from these privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.

639. (a) Should the friends of any prisoner wish to make over shoes or drinking vessels or money, etc., for his use on release, these should be entered in the petition and deposited at the main gate in the charge of the prison officer superintending the interview, and shall be brought to the notice of the Superintendent at his visit, and be recorded in the usual way in the admission register, prison ledger, etc., as the case requires.

(b) Should the friends of any prisoner, whether entitled to an interview or not, bring money for his use, or clothes for him to wear on release, these may be deposited on presentation of an application on plain paper and entered in the admission register, etc., to be given to him on his discharge. The money, on the prisoner's application may also be used to supply him with any eating or drinking vessels, shoes, etc., which by the prison rules he is allowed to have.

## II.—SPECIAL RULES FOR THE UNCONVICTED AND CIVIL PRISONERS.

640. Unconvicted criminal prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their relatives, friends and legal advisers.

641. When any person desires an interview with an unconvicted criminal prisoner in the capacity of the prisoner's legal adviser, he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs, and shall satisfy the Superintendent that he is the *bonâ fide* legal adviser of the prisoner with whom he seeks an interview and that he has legitimate business with him.

642. Every interview between an unconvicted prisoner and his legal adviser shall take place within sight but out of hearing of a Prison officer. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner.

643. The Jailer shall bring to the notice of the Superintendent all interviews of approvers and shall personally conduct such interviews which should be terminated at once if any attempt is made to influence the prisoner to withdraw his confession or alter his evidence.

644. Any *bonâ fide* confidential written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the Superintendent. For the purpose of this rule, the expression 'legal adviser' means a legal practitioner within the meaning of the Legal Practitioners' Act, 1879.

645. Civil prisoners may have interviews with their friends and relations on week days between the hours of 7 a.m. and 2 p.m., but the presence of a prison officer shall not be necessary. In this connexion, a reference is invited to paragraph 402.

## CHAPTER XXIX

## DIETARY.

I.—*The scales of dietary.*

646. The scale of dietary for the European and Anglo-Indian prisoners shall be as follows:—

	No. 1. For labouring convicts.	No. 2. For non-labouring convicts and Under-trials.
	Loaves of 8 oz. each.	Loaves.
Bread . . . . .	2 Chhataks.	1½ Chhataks.
Butter . . . . .	½	½
Meat . . . . .	6	4
Rice . . . . .	3	2½
Dal . . . . .	1½	1½
Tea . . . . .	½	½
Milk . . . . .	8	6
Sugar . . . . .	1	½
Potatoes . . . . .	5½	4
Vegetables . . . . .	4	4
Salt . . . . .	½	½
Onions . . . . .	½	½
Spices . . . . .	½	½

The scale of fuel per day is two seers of firewood per prisoner.

647. The scales of dietary for the Indian prisoners classified as 'A' and 'B' class prisoners and the 'superior' class under-trials are given below:—

	Scale I. For labouring convicts.	Scale II. For non-labouring convicts and the 'superior' class under-trials.
Wheat flour . . . . .	10 Chhataks.	8 Chhataks.
Ghee . . . . .	2 "	1½ "
For vegetarians—		
Milk . . . . .	1 seer.	¾ seer.
Sugar . . . . .	1 chhatak.	¾ chhatak.
For non-vegetarians—		
Meat . . . . .	4 chhataks.	3 chhataks.
Milk . . . . .	½ seer.	¾ seer.
Sugar . . . . .	½ chhatak.	¾ chhatak.

with, in all cases,

	Chhataks.
Rice, <i>sufi</i> or <i>dalia</i> . . . . .	1
<i>Dal</i> . . . . .	1½
Vegetables . . . . .	4
Salt . . . . .	½
Chillie . . . . .	½
Spices . . . . .	½
Ten . . . . .	½
Amchur or tamarind-pulp . . . . .	½

The scale of fuel is 1½ seer of firewood per prisoner.

648. The scales of the dietary for the Indian criminal convicts not classified as 'A' or 'B' class of prisoners and the "ordinary class" under-trials shall be as follows:—

	Chhataks grain ration.
Scale No. I.—For all labouring convicts in class 'O' . . . . .	14
Scale No. II.—For all non-labouring convicts in class 'O' and under-trials classified as "ordinary" . . . . .	12

with, in all cases,

	Chhataks.
<i>Dal</i> . . . . .	1½
Vegetables . . . . .	4
Sweet Oil . . . . .	½
Salt . . . . .	½
Spices (i.e., turmeric, coriander and chillie in the proportion of 1 : 2 : 2) . . . . .	½

The scale of fuel for both scales shall be 6 chhataks of firewood per day per prisoner.

649. From April 1 to October 31 when the supply of anti-scorbutic vegetables is insufficient either lime juice, tamarind-pulp or *amchur* shall be issued to every prisoner according to the scale given below:—

	Chhatak.
Lime juice . . . . .	½
Tamarind-pulp (free from husk and seed) . . . . .	½
Amchur . . . . .	½

650. Women nursing their children shall receive two chhataks of wheat flour, 8 chhataks of milk with ¼ chhatak of sugar and ½ chhatak of *ghee* in addition to the diet of their scale.

651. The dietary for children under six years of age confined along with their mothers shall be as follows:—

- (1) *If under 12 months.*—6 chhataks of milk with ¼ chhatak of sugar.
- (2) *If over 12 months and under 18 months.*—8 chhataks of milk with ¼ chhatak of sugar, 2 chhataks of rice, ½ chhatak of *dal* and ½ chhatak of salt.
- (3) *If over 18 months and up to three years.*—8 chhataks of milk with ¼ chhatak of sugar, 4 chhataks of rice, ½ chhatak of *dal* and ½ chhatak of salt.
- (4) *If over three years.*—Half the ration allowed under diet scale No. II.

Extras may be issued under the orders of the Medical Officer.

652. In any case in which the Medical Officer considers the prescribed diet to be unsuitable for a prisoner on account of his health he may order in writing a special diet or extra articles of diet for the prisoner.

653. In the case of convalescent and weakly prisoners unable to labour or performing only light labour, the Medical Officer may prescribe scale No. I, reduced by 2 chhataks of parched gram, or scale No. II.

654. The following scales of dietary are prescribed for sick prisoners:—

No.	Diet.	Wheat flour.	Rice	Dal.	Milk.	Sago.	Sugar.	Ghee.	Vegetable.	Spices.	Salt.	Fuel.
		Ch.	Ch.	Ch.	Seer.	Ch.	Ch.	Ch.	Ch.	Ch.	Ch.	
1	Milk				<i>In sufficient quantity with sugar.</i>							
2	Milk & Sago.	..	..	..	1	2	1	..	..	..	..	Firewood eight chhataks.
3	Milk & Rice.	..	4	..	1	..	1	..	..	..	..	
4	Rice & Dal.	..	6	2	..	..	..	$\frac{1}{2}$	3	$\frac{1}{4}$	$\frac{1}{2}$	
5	Wheat	10	..	$\frac{1}{2}$	..	..	..	$\frac{1}{2}$	3	$\frac{1}{4}$	1	

655. The diet scales provide for the issue of three meals a day, i.e., one in the early morning consisting of 2 chhataks of parched gram or 2 chhataks of flour made into *chapatis*, the second and third consisting of the balance of grain ration in the form of flour made into *chapatis* issued at midday and in the evening in equal proportions. The *dal* shall be issued with the midday rations and the vegetables with the evening rations.

656. The daily ration of flour for *chapatis* in each diet scale and its composition are given below:—

		Chhataks.
Scale No. I	. . . . .	12
Scale No. II	. . . . .	10

The diet is a combination of wheat, gram and barley in the proportion of 1 : 1 : 2.

Prisoners who are natives of Bengal, Madras and Burma or are without teeth and choose to take rice as both the mid-day and evening meals shall be given 9 chhataks of rice in the case of scale No. 1 and 8 chhataks in the case of scale No. II. They will receive their early morning meal in addition to their rice diet.

657. The number and weight of cooked *chapatis* at midday or evening meal are given below:—

Scale No. I.—Six *chapatis* weighing not less than eight chhataks.

Scale No. II.—Five *chapatis* weighing not less than six and two-thirds of a chhatak.

The morning meal when issued in the form of *chapatis* shall consist of two *chapatis* weighing not less than two and two-thirds of a *chhatak*.

658. (a) During the hot weather the Superintendent may issue one meal of rice ration consisting of 4 *chhataks* of rice and  $1\frac{1}{4}$  *chhataks* of *dal* once a week to each prisoner in place of the midday *chapati* rations.

(b) *Mung dal* is the staple *dal* issued throughout the year but in order to give variety to the food of prisoners, the superintendent may issue *uril*, *moth* or other *dals* twice or thrice a week.

659. The Superintendent may increase the quantity of vegetables and the number of chillies if sufficient quantities are available from the prison garden. He shall inspect the vegetables when they are cut up ready for use and see that they are of good quality and free from stalks and woody portions, and during the season of plentiful supply, shall store anti-scorbutic vegetables for issue in the hot weather.

660. The Superintendent, in his discretion, may issue such special diets as he may deem necessary, on the prescribed festival days at an extra cost per diem not exceeding annas two per head.

## II.—Preparation and distribution of food.

661. The Jailer shall be responsible that the rules prescribed for the cleaning and grinding of grain are duly observed, that the instructions given herein for the preparation of the food in the cook-house and the routine for the distribution of food are complied with and that the food distributed to the prisoners is wholesome in quality and correct in weight according to the scales laid down herein or to the scales that may be specially authorized for any prisoner or class of prisoners.

662. (a) The officer in charge of the grain store shall be responsible that all grains issued to the mill house have been carefully cleaned and are free from dirt and adulteration. Grains in combination should be mixed in proper proportions before issue to the mill house for grinding.

(b) The Jailer shall see that the mill stands are so constructed as to prevent dust getting mixed with the flour and that grain troughs and channels for flour are kept scrupulously clean.

(c) The flour shall be sifted through a sifter fitted with fine wire gauze with 20 holes to an inch. The flour issued to the cook-house shall be fresh and free from adulteration.

663. Hindu convicts shall be employed in the cook house for cooking food, kneading *atta*, etc., having due regard to their caste. So far as practicable at least one of the cooks employed in the cook house shall be a Brahman.

664. The Jailer shall be responsible that all cooking pots are kept scrupulously bright and clean. Cook-houses should at all times be clean and tidy. Brass cooking pots shall be used for cooking *dal* and vegetables.

665. (a) The flour issued for cooking should be soaked in water for half an hour and then slowly and thoroughly kneaded by hand. After kneading, the dough should be rolled out thin on a table by means of a rolling pin.

(b) The *chapatis* shall be cut by a cutter seven inches in diameter. Cooking should be done slowly so that the surface may not get burnt.



and to ensure thorough breaking up of the starch granules throughout the cakes.

666. The Superintendent shall prescribe the times at which meals are to be served to prisoners, and the manner in which and the places at which the distribution of food is to take place.

667. Prisoners should be protected from rain and intense heat during the meals by allowing them to have meals in verandahs or other sheltered places.

668. (a) The Jailer shall be responsible that properly adjusted beam scales and correct weights are used for weighing supplies in bulk and individual rations. At food distribution parade the cooks shall carry light scales and weights so that any prisoner desiring to test the weight of his ration may do so. All complaints of prisoners respecting the quantity, quality or cooking of the rations shall be brought to the notice of the Superintendent at the first opportunity.

(b) All food shall be distributed from brass trays and brass buckets provided with handles, and served hot.

(c) Measuring cups used for issuing parched gram should be carefully checked from time to time by the Superintendent.

### III.—*Purchase and storage of grain.*

669. The Superintendent shall purchase grains in sufficient quantities for the year at the proper harvest times after calling for tenders or in the open market and obtaining samples of the quality of grain to be supplied.

670. The District Magistrate shall render all reasonable help to the Superintendent in the matter of storing grain, and shall furnish weekly, through the Tehsildar, the current prices of such food grains and other important commodities ordinarily purchased by the prison as the Superintendent may from time to time request.

671. The Superintendent shall inspect all grain purchase and is responsible that it is sound and of newly gathered crop.

672. The Jailer shall be responsible for the weightments and safe custody of the grain. All grain shall be weighed on ordinary beam scales.

673. Purchases of grain or other articles of food shall be completed transactions when the grain passes the inner gate.

674. On the arrival of the grain at the prison gate the Gate-Keeper shall make a correct entry of the number of bags in the Gate-Keeper's book. A careful watch shall be kept over the bags to prevent their being tampered with. Grain shall be weighed by the Jailer in the presence of the grain store-keeper and both officers shall sign the invoice, a copy of which shall be returned to the vendor as receipt.

675. The Jailer shall maintain a storage account in the prescribed register in which the quantities of each kind of grain stored, shall be separately shown. He shall keep a ticket for each article showing the quantity stored, the issues and the balance of grain, which shall be suspended in the storage godown.

## CHAPTER XXX.

## CLOTHING.

676. Every convict sentenced to rigorous imprisonment or transportation shall be supplied with and shall wear prison clothing in accordance with the scales laid down in this chapter.

677. (a) The Medical Officer has authority at any time to direct on medical grounds the issue of extra clothing to any prisoner or class of prisoners for any specified period or during any season of the year.

(b) The Superintendent shall provide children permitted to reside in the prison with their mothers with suitable clothing as approved by him.

678. The Jailer is responsible for seeing that all prisoners receive articles of clothing and bedding according to the prescribed scales or instructions given by the Superintendent or the Medical Officer. He shall arrange for the regular washing, repairs and renewal of all articles of clothing as occasion arises. He shall inspect the clothing store once a month and record in his report book that the orders herein laid down are carried out and that a sufficient supply of new or serviceable clothing is always available for issue.

679. (a) Convicts sentenced to simple imprisonment and under-trial prisoners shall be permitted to wear their own clothing. They shall, if necessary, be supplied with woollen clothing and bedding at the same scale as for convicts sentenced to rigorous imprisonment. If convicts sentenced to simple imprisonment elect to labour and are employed extramurally they shall be supplied with and shall wear ordinary convict's clothing.

(b) The Superintendent shall supply sufficient clothing from the prison store to every convict sentenced to simple imprisonment and to every under-trial who is unable to provide himself with necessary clothing.

(c) Military prisoners shall on no account be allowed to wear military uniform in the prison. If a military prisoner is entitled under the rules to wear his own clothing, but possesses nothing except uniform, he should be provided with the necessary clothing from the prison store.

680. (a) The scale of clothing for the male European convicts is as follows:—

	Summer.	Winter.
Coats . . . . .	2 (drill or <i>dusufi</i> )	2 (Bannel)
Pants . . . . .	2 "	1 "
Gorha shirts . . . . .	2	2
Blankets . . . . .	1	3
Woollen jersey . . . . .	Nil	1
Drawers . . . . .	2	2

With—

One pith Helmet,  
One pair boots,  
Two pairs socks,

One mattress,  
Two *dusufi* sheets,  
One pillow, and  
Two pillow cases.

(b) Female European convicts may be permitted to use their private clothing for the time they may have to be detained in the Ajmer Central Prison. The Superintendent may, in his discretion, issue any additional garments necessary.

681. (a) The scales of clothing for an Indian male convict classified as class A or class B shall be as follows:—

Summer.	Winter.
Two <i>dasuti</i> coats, Two <i>dasuti</i> pants, Two <i>garha</i> shirts, Two <i>garha</i> drawers, and One blanket;	One flannel coat, One flannel pant, Two <i>garha</i> shirts, Two <i>garha</i> drawers, Three blankets, and One woollen jersey;
With— One <i>topi</i> or cap, One pair of boots, with socks, or One pair of country shoes, One mattress,	One pillow, Two pillow cases, Two <i>dasuti</i> sheets, and Two towels.

(b) The scales of clothing for an Indian female convict classified as class A or class B shall be as follows:—

Summer.	Winter.
Two <i>garha saris</i> and two <i>garha</i> jackets, or Two <i>dasuti</i> dresses, Two each necessary underclothes, Two pairs stockings, if required, One blanket, One mattress, One pillow, Two pillow cases, Two towels, One pair boots or shoes, and One <i>topi</i> , if required.	In addition to the summer scale, Two woollen dresses, or two flannel jackets, and Two blankets.

682. The scales of clothing for the Indian convicts in class C is as follows:—

#### COTTON CLOTHING.

For male convicts.	For female convicts.
Two cotton <i>kurtas</i> . Two cotton trousers. One <i>rumali</i> . One towel. One sheet. One cap.	Two <i>kurtis</i> . Two <i>lehngas</i> . Two <i>chadars</i> . Two towels.

#### WOOLLEN CLOTHING.

In summer—one blanket.

In winter (from October 1 to March 31)—two blankets and one blanket coat. In addition each prisoner shall receive one *munj* bedding.

683. The clothing of the convict officers shall be as follows:—

*A.—Male convict officers.*

The clothing and bedding shall be according to the scale and pattern prescribed for ordinary convicts with the following modifications:—

- (1) Each convict officer shall wear a red cap which shall be circular and provided with a stiffening of cardboard. A brass badge with the device "C. N. W.", "C. O." or "C. W.", as the case may be, shall be worn on the front of the cap.
- (2) Convict Overseers and Warders shall be supplied with two yellow coats and two yellow trousers of the patterns approved by the Superintendent, in place of the plain white *kurta* and trousers of the ordinary convict.
- (3) The Convict Warder shall wear a belt.

*B.—Female convict officers.*

The clothing and bedding shall be of the same scale and pattern as for the ordinary female convicts but the cotton clothing of the Overseer and Warder shall be dyed yellow.

684. (a) Every convict employed on labour which soils the clothing shall be supplied with extra serviceable suits for wear during working hours.

(b) Cooks shall be given an apron coat, a trouser and a white cap of the special pattern for use inside the cookhouse. They shall not wear their ordinary clothing while at work.

685. The register number of every convict shall be stamped on his clothing, blankets and bedding.

686. (a) No general distribution of cotton clothing shall be made. Each article of clothing shall be renewed as soon as it has manifestly become unserviceable.

(b) All issues of clothing and other articles and subsequent renewals shall be recorded on the history tickets under the initials of the issuing officer. Issues of new articles of clothing will be prefixed with the letter "N." and of serviceable clothing with the letter "S."

(c) Convicts who take special care of the articles of their kit shall be eligible for special remission in accordance with the rules in the Chapter "Good Conduct Remission Rules".

687. (a) Cotton *kurtas* and trousers ordinarily last for six months; other articles of cotton clothing should give at least nine months' wear.

(b) The ordinary life of a blanket, a blanket coat and a bedding is three years. New blankets issued to prisoners for the winter season should be taken back in April, leaving with each prisoner one serviceable blanket only.

688. (a) The officer in charge of the store shall be responsible for seeing that all clothes received back from the prisoners are thoroughly washed and then placed in stock properly arranged in bundles, that all

articles in store have been thoroughly repaired and are kept regularly aired and fit for use, and that every precaution is taken, *e.g.*, by the use of insecticides and frequently airing, to prevent damage by insects.

(b) Woollen clothing should be stored in bundles and put in *dusuti* covers with naphthaline or dried *nim* leaves. Covers shall be entered in the stock book.

689. (a) The store-keeper in charge of the clothing store shall produce before the Superintendent once a month all articles of clothing which have become unserviceable.

(b) The Superintendent shall enter in words in the clothing stock book the number declared unserviceable by him and initial the entry.

(c) A table showing the number of each article condemned month by month shall be maintained in this register.

690. The Superintendent shall adopt suitable precautions to prevent articles once written off being again taken into stock. All blankets and blanket coats condemned shall be torn into four pieces.

691. All articles of cotton and woollen clothing for use in the hospital shall be of check pattern. All hospital beddings shall have a red cross woven in the centre. The Sub-Assistant Surgeon shall be in charge of the hospital clothing store and the stock of hospital clothing and bedding and shall perform the same duties as are assigned to the officer in charge of the prison clothing store.

692. The clothing of every prisoner detained or admitted into hospital shall be taken from him and washed and placed in the hospital clothing store, and he shall be provided with a complete outfit of hospital clothing.

693. The Sub-Assistant Surgeon will be held responsible for the return of all clothing of convicts who die in hospital to the store-keeper, unless the Medical Officer has directed that it shall be destroyed.

Whenever a life-convict is confined, the rule to have every article of his clothing dyed bright yellow should be strictly adhered to.

The manufacture of the clothing for each class should be regulated by the average proportion of each class in confinement during the three years.

## CHAPTER XXXI.

## HYGIENE AND EPIDEMICS.

694. (a) The accommodation capacity of wards, barracks, cells and other buildings intended for the occupation of prisoners shall be calculated in accordance with the following table:—

	Superficial area per prisoner.	Cubic capacity per prisoner.
	Sq. ft.	Cubic ft.
Barracks . . . . .	36	648
Cells . . . . .	75	1,000
Hospital barracks . . . . .	64	900

NOTE.—In computing the cubic space all height above 18 feet shall be disregarded.

(b) The authorized capacity of each barrack and cell of the Ajmer Central Prison is given in Appendix IV.

(c) The capacity of each barrack shall be shown on a tablet placed on the outside wall of the barrack. The number locked up each night shall be written by chalk on a black board hung near the door.

695. (a) The Superintendent and Medical Officer are responsible that overcrowding does not occur, and in the event of the population exceeding the capacity of the prison the Superintendent shall arrange accommodation in workshops and immediately forward transfer rolls of extra prisoners to the Inspector-General for sanction of transfer to other provinces.

(b) The Superintendent shall scrutinize and initial the accommodation register in which the figures showing overcrowding of barracks will be underlined.

696. Whenever a change is made in the capacity of the prison, the fact together with a brief account of the causes of the change shall be communicated to the Inspector-General in the following form:—

*Memorandum showing changes in prison capacity.*

	Sentenced Male pri- soners.	Sentenced Female pri- soners.	Juveniles.	Undertaken prisoners.	Civil prison- ers.	Hos- pitals.		Cells.		Europeans.	TOTAL.
						M.	F.	M.	F.		
As it stood be- fore.											
As it now stands											

A brief account of the causes of the change should be given here.

**J.—CLEANLINESS OF PERSON AND CLOTHING OF PRISONERS.**

697. The Superintendent shall see that the prisoners have facilities for washing the face, hands and feet daily and that every prisoner bathes

at least twice a week and in the hot weather daily. The prisoners' hair and beards and moustaches shall be trimmed as often as required (subject to the conditions laid down in the admission chapter). The prisoners shall wash their own clothes every Saturday, a special parade being held for the purpose. Soda or *sajji* or soap (washing) should be issued to each prisoner to enable him to clean them thoroughly.

## II.—WATER-SUPPLY.

698. The Superintendent and the Medical Officer are responsible that an ample supply of water of good quality is always available for drinking, bathing and other purposes.

699. Every precaution must be taken to prevent contamination of the water-supply whether at its source or during its distribution or carriage. The tops of all wells shall be protected to prevent waste water percolating back into the well and every well should have a grated door provided with a lock.

700. All wells shall be cleaned once a year or oftener if the Medical Officer considers it necessary. The date of cleaning shall be painted on the well curb.

701. (a) Every well in the prison should be treated once a month with permanganate of potash which should be added in sufficient quantity to give a pink colour remaining perceptible for at least six hours. For ordinary wells 5 feet in diameter containing 6 feet of water two ounces should be dissolved in a bucket of water before adding to the well. The water in the well should be agitated by the bucket after the addition of the solution.

The Sub-Assistant Surgeon shall record dates of treatment of wells with permanganate of potash in his morning state register.

(b) A more efficient means for routine sterilisation of well water-supplies is by bleaching powder, which to be effective must be fresh. For a well 5 feet in diameter containing 6 feet of water a two ounce tin or hottle of fresh bleaching powder is sufficient, but as the strength of available chlorine rapidly diminishes in this country, for thorough disinfection in most cases two tins of two ounce capacity would be required, as also when the well is larger than 5 feet in diameter.

## III.—SANITATION OF THE PRISON GROUNDS AND BARRACKS, CELLS, ETC.

702. The prison precincts and enclosures must be kept perfectly neat and clean at all times. Daily and continued attention must be given to secure extreme neatness and smartness of roads, paths, grass plots and grounds. The ground outside the main wall shall be kept clear of all undergrowth and rank vegetation.

703. All sleeping barracks shall remain empty throughout the day and the bedding of the prisoners must be spread out and exposed to the sun at least twice weekly. The floors of all barracks, cells and hospital shall be swept daily. The inside of the walls of all barracks, cells and the hospital to the height of 4 feet shall be claywashed or whitewashed once a week. The whole of the walls of all barracks, cells and the hospital shall be brushed down weekly and mud-washed or white-washed as often as the Medical Officer may consider necessary.

## IV.—CONSERVANCY.

704. All latrines and drains must be kept scrupulously clean.

705. Two earthenware pans coated with coaltar shall be provided in each latrine seat. A small quantity of dry earth shall be sprinkled in the pans in which solid excreta are received. The pans shall be placed in the latrine ready for use every morning and evening, and during the day they should be exposed to the direct rays of the sun. After use the contents of the pans must be emptied into the covered sanitary receptacles, two of which, one for night-soil and one for urine, should be provided for each latrine. Each latrine seat will be washed and brushed out every morning and the waste water will be collected in the bucket placed at the end of the drains of each latrine. All night-soil, urine and water from the latrines collected in the covered receptacles shall be removed every morning and evening to the trenching ground.

706. Proper sanitary arrangements shall be provided in each cell and in every barrack at night. Earthenware vessels coated with coaltar shall be used in cells and placed on a cemented non-absorbent surface. Dry earth shall not be used in cells.

707. The barracks and wards which have night latrines shall be provided with iron receptacles which should be kept clean with the application of crude oil. In barracks without night latrines a special cemented non-absorbent area will be set apart on which necessary receptacles will be provided. The sweepers shall place the receptacles in night latrines or inside the barracks daily at 3 P.M.

708. The urine and night-soil shall be trenched separately in suitable trenches, 2 feet broad and not more than 24 and not less than 18 inches deep. These trenches should be dug in straight parallel lines, 2 feet apart from one another. The earth taken out should be broken and pulverised by sieving through an ordinary mason's sieve. Night-soil to the depth of one foot should be placed in the trenches, which should then be filled in with all earth taken out. The trenches will then present the appearance of lines of mounds, the elevations indicating the site of trenches. The earth will in a few months subside to the general ground level. After six months the land can be taken into cultivation. Urine is disposed of by trenching in a similar way. No trenching shall be done within 100 yards of a well which is used as a drinking supply or for supplying water to the kitchen.

709. Excreta from cholera, dysentery and diarrhoea cases are best disposed of by incineration, and in the prison hospital a Roorkee pattern incinerator should be kept ready for use.

An alternative method is to add sufficient disinfectant, e.g., cresol, cyllin, bycol 1 in 100 to entirely cover the excreta or discharge, and at the expiry of one hour bury the contents of the pan outside the prison.

## V.—EPIDEMICS.

710. On the occurrence of a case of cholera, plague, cerebro-spinal fever, typhoid fever, typhus fever, relapsing fever or small pox in the prison, the Superintendent shall inform at once the Inspector-General and take all necessary sanitary precautions, including isolation of the patient, segregation of all contacts, disinfection of clothing and buildings and vaccination or inoculation.



711. A prisoner suffering from an infectious disease shall be isolated in a tent pitched between the outer and inner enclosure walls or in the segregation wards.

712. If two or more cases occur within a week, a daily report of the seizures and deaths shall be submitted to the Inspector-General. The Superintendent shall also inform the Chief Medical Officer, Rnjputana, the Civil Surgeon, the District Magistrate and the Military authorities. All transfers from and to the prison while so infected are prohibited.

713. The barrack in which the prisoner lived shall be vacated at once and disinfected in the manner laid down in paragraph 722 (d) (i). All the prisoners who inhabited the barrack shall be segregated in a vacant barrack, if suitable and available. Their clothing and bedding shall be thoroughly washed. Tents shall be pitched between the outer and inner walls if no vacant barrack is available. If no ground inside the prison is suitable, tents shall be pitched outside the prison with the previous sanction of the Inspector-General.

714. Prisoners suffering from epidemic disease shall not be taken to the prison hospital which shall be reserved for ordinary patients. But if such a prisoner has been taken there before diagnosis was made, the hospital shall be vacated and thoroughly disinfected in the manner laid down in paragraph 722 (d) (i).

715. All cases of the disease occurring among the segregated prisoners shall be removed to the infectious diseases camp and their clothing and bedding disinfected or burnt as may be directed by the Superintendent.

#### VI.—INSTRUCTIONS FOR THE PREVENTION OF THE SPREAD OF CHOLERA.

716. When a case of cholera occurs a sweeper shall be told off to attend the patient who shall be isolated within the prison precincts, and if possible between the outer and inner enclosure walls. The sweeper shall be supplied with cyllin solution of the strength of 1 in 100, and with some coaltarred earthenware *gamlas*. The sweeper shall remove and disinfect the *dejecta* and vomit of the patient and shall disinfect the floor and any latrine that may have been used. All clothes of the patient shall be destroyed by burning. Energetic treatment of the patient shall be undertaken. If two fatal cases of cholera occur, the disease shall be considered as epidemic, and the following measures taken:—

- (1) Rigorous isolation of the sick shall be enforced.
- (2) The barracks in which cases occur shall be vacated and disinfected and the prisoners of these barracks isolated in a vacant barrack, if suitable or available, or in tents pitched between the outer and inner walls.
- (3) Preventive inoculation shall be undertaken.
- (4) All latrines throughout the prison shall be carefully disinfected and earthenware vessels in use broken up and buried, new ones being brought into use.
- (5) All drains shall be kept clean and sprinkled with lime.
- (6) The issue of vegetables shall be stopped and a double ration of *dal* given. The issue of rice shall be stopped.

- (7) The cook-house shall be kept free from fleas, and all rations issued hot.
- (8) The wells shall be treated with permanganate of potash, and if further cases of disease occur drinking water shall be boiled in covered tins, the boiling and cooling processes being done with the covers on.

717. These measures are usually sufficient to prevent the spread of the disease, but it may be necessary to establish a camp outside the prison in consultation with the District Magistrate. In selecting a site consideration shall be given to the following points:—

- (a) facility for water-supply;
- (b) reasonable distance from all habitation;
- (c) proximity to the prison.

It is not advisable that prisoners should be moved long distances.

718. Careful sanitary arrangements shall be made for the camp and powdered lime freely used as a disinfectant for all latrines and *kachchu* drains.

719. The Superintendent shall maintain a reserve of tents, fetters and bel-chain.

720. The occurrence of a case of plague or serious epidemic of any disease shall be reported to Provincial Government.

721. *Plague.*—The usual precautions against the spread of infectious diseases are also effective in the case of plague in which preventive inoculation is a specially valuable measure. It has been found that strict quarantine of new arrivals in prison for 14 days is an effective barrier against plague.

#### VII.—DISINFECTION AND DISINFECTANTS.

722. The following disinfectants and methods of disinfection shall be adopted as circumstances require:—

- (a) *Disinfectants.*—(i) Mercuric chloride in strength of 1 in 1,000 is useful for the disinfection of rooms and clothes after small pox, measles, etc., but is not suitable for disinfecting excreta and other discharges as it coagulates albumen and loses its power of killing bacteria.
- (ii) Cyllin and hycol are coal-tar derivatives and are non-poisonous; they are 18 times stronger bactericides than carbolic acid. The disadvantage in use is a tendency to stain clothes. They are usually employed in strength of 1 in 100 or 1 in 200.
- (iii) Bleaching powder is an excellent disinfectant, but rapidly loses its strength in this country, especially in hot damp weather, the whole of the disinfectant power being lost in three weeks after a closed drum is opened. It is particularly useful in the routine cleansing of well-water supplies.
- (iv) Kerosine or kerosine oil emulsion is used for killing insects such as bugs, fleas and lice which carry the infection of

Kala Azar, relapsing fever or plague. In relapsing fever kerosine mixed with mustard oil must be rubbed into the body and hair on all parts to kill lice and their nits.

- (b) *Disinfection of material.*—(i) Clothes, etc., should be boiled for 20 minutes.
- (ii) Silk fabrics injured by boiling should be placed in the sun for three periods of eight hours each.
- (iii) Bedding, tents, carpets, etc., should be soaked some hours in an acidified mercuric chloride 1 in 1,000 parts.
- (iv) Bed-steads should be washed down with cyllin or hycol, 1 in 200, or kerosine oil where plague or Kala Azar has occurred.
- (v) Metal vessels should be washed in cyllin or boiled in water.
- (vi) Leather goods should be carefully wiped over with formalin.
- (c) *Disinfection of stool.*—Cholera stools, vomit, etc., should be disinfected with cyllin or hycol, 1 part in 200, or evaporated to dryness in the *gamla* into which they are passed, over an ordinary Indian *chulha* specially kept for the purpose. Boiled clothes should be boiled or steeped for 24 hours in cyllin or hycol in a strength of 1 in 400. In using disinfectant with discharges care must be taken that the working strength of the disinfectant used is maintained. If, for example a given disinfectant is known to kill bacteria at a strength of 10 per cent., it is useless to add a 10 per cent. solution if no regard is paid to securing the presence of the disinfectant to the extent of 10 per cent. of the whole weight or volume of the material to be treated. An intimate mixture of the faecal mass and the disinfectant must be secured by means of a stout stick. The average volume of a stool is not less than eight ounces. In using hycol as a disinfectant of which the working strength is 1 to 200, it is necessary to add eight ounces of 1 in 100 dilution, to obtain a final dilution of 1 in 200.
- (d) *Disinfection of barracks.*—(i) The floor should be scraped and dry leaves or other refuse spread over the floor and burnt. When cleaned, lime should be sprinkled over the floor. All woodwork should be coal-tarred. Rooms and walls should be washed down with mercuric chloride 1 in 1,000. When disinfection for cholera is required, cyllin or hycol, 1 in 200, or bleaching powder and water should be used in place of mercury. The walls should then be re-whitewashed.
- (ii) Floors when *purca* should be treated as walls; *kachcha* floors should be covered with lime to the depth of one inch.
- (iii) For drains use hycol, cyllin, bleaching powder or lime.
- (e) *Recipes for preparation of solutions.*—
- (i) Mercuric chloride  $\frac{1}{2}$  oz.  
Hydrochloric acid 2 oz.  
Water 3 gallons.

(ii) *Cyllin* or *hycol* 1 part.

Water 200 parts.

This is for walls, etc., for clothes use 1 in 400 parts.

(iii) Kerosine emulsion—

Hard soap, shaved fine,  $\frac{1}{2}$  lb.

Water, one gallon.

Kerosine, two gallons.

Dissolve the soap in the water, which should be boiling; remove from the fire and pour it into the kerosine while hot. Churn this with a sroy pump till it changes to a creamy, then to a soft butter like mass. Keep this as a stock, using 1 part in 8 of water for soft-bodied insects, or stronger in certain cases.

#### VIII.—RULES FOR THE WATCH AND WARD OF PRISONERS IN ENCAMPMENTS.

723. Tents for the prisoners will be pitched in double line, having between them a street 20 paces wide measured from the tent pegs. A space of ten feet will be left between the pegs of the tents on each side.

724. Each tent will hold 24 prisoners and a Convict Overseer. A bright kerosine oil lamp will be suspended in each tent beyond the reach of the prisoners. It must be kept burning throughout the night.

725. The primary responsibility for all escapes rests with the Overseers, warder guards and prison watchmen who are in charge of the prisoners and are responsible for their watch and ward by day and by night.

726. Prisoners who are considered dangerous or likely to escape shall be fettered for safe custody. Such prisoners shall sleep together and be secured by a hel-chain, which must be so applied that each gang may be perfectly free to walk out of the tent or other place of confinement in a body, if so ordered. It must never be passed round a tent pole.

727. All prisoners shall be secured with a chain, passed through the ring of their fetters (or of an ankle ring if the prisoners have no fetters) and be fastened with a stout padlock. The warder sentries at each relief shall examine the state of the fetters, chains, etc., and ascertain that they have not been tampered with.

728. During the day a warder and a Convict Overseer shall be put in charge of every gang of 20 prisoners or under. The guard shall be proportionately increased for gangs exceeding 20 in number.

729. The Jailer shall see that all prisoners are in their tents before dusk. They shall be counted in the manner prescribed for prisoners in the prison. The Jailer shall then arrange for the posting of the Convict Officers and the warders in the following manner:—

(a) Two Convict Night Watchmen shall be posted to each occupied tent; one will pace in front of it and one in rear, each at a distance of five paces from the pegs.

(b) The Convict Night Watchmen shall be relieved every two hours. They shall see that no prisoner leaves his bed on any pretext without awakening the Convict Overseer of his tent, who will take charge of him.

- (c) A chain of Convict Warders shall be posted round the camp at a distance of about 25 paces from the pegs and 50 paces apart. It shall be their duty to see that the night watch are on the alert and that no person crosses the line of their beat.
- (d) The Convict Overseers and warders shall be relieved every three hours.
- (e) Twenty-five paces beyond the Convict Warders there shall be a chain of warders 50 paces apart. Their duty shall be to prevent any persons passing either to or from the camp.
- (f) The belt of ground between the two chains of night watch shall be kept brilliantly lighted up with torches.

730. The most trustworthy convict officers shall be selected for the duties specified in the preceding paragraph.

731. The Jailer and other Prison Officers in charge of the camp shall go round the prison sentries at uncertain periods and see that they are on the alert.

732. The camp hospital shall be guarded by day and by night on the system prescribed by the preceding paragraphs.

733. A police guard shall be stationed at the encampment in accordance with the rules sanctioned in paragraphs 734 and 740 given below. In case of any attempt to break into or out of the camp, or to commit a violent breach of discipline, the nearest sentry will immediately inform the officer in charge of the police guard.

#### IX.—RULES FOR POLICE GUARD OVER PRISONERS IN ENCAMPMENT.

734. On its being decided to send prisoners into camp owing to an epidemic or other cause, the Superintendent of the Prison shall apply through the District Magistrate to the Superintendent of Police for a police guard, giving the following particulars:—

- (a) the number of prisoners to be sent out;
- (b) the hour and date they will start;
- (c) the place where the camp will be pitched.

'At least 24 hours' notice should be given to the Superintendent of Police.

735. The Superintendent of the Prison shall keep the Superintendent of Police informed of any increase or decrease in the number of prisoners in the camp, and the Superintendent of Police will regulate the strength of the guard accordingly.

736. The strength of the police guard shall be:—

	Head Constables.	Constables.
Up to 100 prisoners . . . . .	2	9
From 100 to 200 prisoners . . . . .	2	12
From 200 to 300 prisoners . . . . .	3	15
From 300 to 500 prisoners . . . . .	3	18
From 500 to 700 prisoners . . . . .	4	21

Above 700 an addition of one head constable, and three constables shall be made for every 100 prisoners or portion thereof.

737. The police guard shall only provide one sentry, who will be placed over the arms in the police guard tent and will be relieved every two hours.

738. The duties of the police guard shall be:—

- (a) to assist when called upon to do so in preventing all attempts to break into or out of any part of the camp;
- (b) to aid in the suppression of all violent breaches of discipline or opposition to authority by the prisoners.

739. The police guard shall be provided with ten rounds of buckshot and ten rounds of ball ammunition per man.

740. Including the sentry, half the police guard shall remain fully equipped at all times, ready to fall in at a moment's notice. In the morning and evening, at opening and closing time, the whole of the police guard shall fall in under arms and remain so till the Jailer reports that all is well; the guard shall then be dismissed.

741. The police guard shall be visited at least twice a week by the Reserve Inspector and once a week by a Gazetted Officer. These officers should make a point of seeing the Jailer in charge of the camp and of ascertaining that all is going well.

742. One or more lanterns with oil and matches will be supplied to the officer in charge of the police guard. The sentry's post must be adequately lighted at night.

743. In the event of any attempt to break out of the camp or any other disturbance the whole of the police guard shall immediately be placed under arms by the officer on duty and a messenger sent to the headquarters District Police.

744. The police guard shall not act without orders from the Jailer in charge of the camp, except in self-defence, or in order to rescue and save the life of any prison official towards whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their having broken through the prison sentries.

745. If it is necessary for the police guard to act without orders from the Jailer in charge of the camp, the officer commanding the guard shall detach a party to the spot with orders to rescue any prison official in danger and prevent the prisoners from breaking out.

746. The officer in charge of the police party on arriving at the scene of disturbance shall give notice to the prisoners in a loud tone of voice, that if they do not immediately submit they will be fired upon. He shall repeat, if the circumstances admit of delay, this warning thrice, and if there appears to be no other means of quelling the disturbance, he shall open fire upon the refractory prisoners, being careful to cease firing the moment they submit.

747. On the arrival of a superior civil or police officer the guard shall act under his orders.

748. Detailed orders regarding the duties of officers, the safe-guarding of arms and ammunition and other points shall be drawn up by the Superintendent of Police in accordance with the general orders.

749. A copy of these rules in English and vernacular shall be hung up in the police guard room in camp.

## CHAPTER XXXII.

## DEATH AND DISPOSAL OF THE DEAD.

750. The Superintendent shall give timely information, when possible, to the relatives of a prisoner who is seriously ill, so that in the event of death, they may be afforded the opportunity of disposing off the body themselves.

751. On the death of any prisoner in the prison, the Superintendent shall give notice to the nearest relatives of the deceased through the Magistrate of the district to which he belonged, and return his warrant duly endorsed to the court concerned.

752. In every case of illness which ends fatally the Medical Officer shall see the body of the prisoner and shall record full particulars of the cause of death in the death register. When there is doubt regarding the cause of death, the Medical Officer shall make a regular post-mortem examination, and record the result in the register. In the event of several deaths from any prevailing disease, a post-mortem examination should be made in one or more selected cases.

753. In every case of sudden or unnatural death or supposed suicide or whenever there is doubt or complaint or question concerning the cause of death of any prisoner, the Superintendent shall forthwith report the fact to the District Magistrate who may himself hold an inquest or direct another duly empowered Magistrate to do so.

754. After the inquest is over, the Superintendent shall submit without delay to the Inspector-General of Prisons a full report of the whole circumstances connected with the case.

755. No investigation by the police shall be made inside the prison except under the orders of the District Magistrate.

756. (a) The body of any prisoner who dies in prison or is executed shall be made over to the friends or relatives of the deceased, if claimed by them, unless there are any special reasons to the contrary, e.g., the prisoner has died of any infectious disease or, in the case of a prisoner who has been executed, there are grounds for supposing that the convict's funeral will be made the occasion of a public demonstration, in which case due notice shall be given to the District Magistrate.

(b) There shall be a burial ground attached to the prison distinctly marked off or enclosed for the burial or cremation of prisoners.

757. (a) The Jailer shall arrange for the thorough cremation of the bodies of Hindu prisoners which are not claimed by their friends.

(b) The corpses of all Mussalman prisoners, if not claimed by their friends, shall be buried by prisoners of their own religion.

(c) In the case of Europeans, intimation will, when necessary, be sent to the Magistrate who will arrange for the burial of the corpse in the local cemetery with due rites.

758. The Jailer shall be held responsible that every corpse sent out of the prison for cremation or burial is decently covered.

759. The following are the rules to be observed in the case of a suicide committed by drowning in jail wells:—

- (I) The Jailer shall in all cases where there is no emergency report to the Superintendent of the Jail the object to be gained by sending the diver down the well.
- (II) The Superintendent of the Jail shall then determine whether it is necessary to send the man down the well; shall examine the prisoner who is to dive; ascertain that he has been accustomed to the duty; that he is willing to perform it; and that he is in sound health and fit for the duty.
- (III) No prisoner shall be sent down a well except in the presence of the Jailer of the prison.
- (IV) The Jailer shall be held responsible that, before the man is let down to the water by the mot, a strong hempen or aloes fibre rope capable of carrying at least two maunds shall be tied securely round the man's body under his armpits. The rope should be specially made and kept for the purpose, and should be of such a length as to allow the diver to reach the bottom of the well and to leave several yards spare at top, which should be held by four able-bodied prisoners.
- (V) The diver should not be allowed to remain under water more than 90 (ninety) seconds; on the expiry of that interval, the Jailer superintending the diving should give orders to have the man raised to the surface.
- (VI) The Jailer will be held responsible that the rope for the above purpose shall be kept in good order and in a secure place at the main gate.
- (VII) It is to be understood that these rules are not meant to be applied to cases in which the recovery of a suicide's body is rendered imperative suddenly.

Any prisoner showing the slightest tendency to suicide shall be confined in a separate cell until the Medical Officer shall have determined the question of his sanity or otherwise. The Jailer will be held responsible, as in the case of condemned criminals, that the prisoner is thoroughly searched and deprived of all means by which self-destruction may be accomplished.



## CHAPTER XXXIII.

## LABOUR.

760. The Superintendent shall provide suitable labour for the convicts sentenced to rigorous imprisonment or those sentenced to simple imprisonment who have elected to labour.

*Note.*—For the rules relating to the employment of Class A and B convicts refer to chapter XIII.

761. The Superintendent shall not employ convicts on work which is likely to endanger life or limb.

762. No convict shall be made to work for more than nine hours on any day, except on an emergency and with the sanction in writing of the Superintendent.

763. Convicts shall not be required to perform any labour, other than that which is indispensable for the essential prison services, on Sundays or on the undermentioned festivals:—

King Emperor's Birthday, New Year's day, Id-ul-Fitr, Holi, Id-ul-Zuha, Dasehra, Dewali and Kartiki Puranmashi.

764. The various forms of labour carried on in the Ajmer Central Prison have been classified as hard, medium and light as shown below with maximum daily tasks which shall be exacted from each convict:—

## Hard.

(a) *By Task.*

- |   |   |
|---|---|
| (1) Grinding grain . . . . .              | Wheat 15 seers.<br>Wheat, gram and barley (mixed) 15 seers.<br>Dal 1 maund. |
| (2) Pounding aloes . . . . .              | 1 seer dry fibre to be extracted.   |
| (3) Pounding <i>Moonj</i> . . . . .       | 15 seers.   |
| (4) Weaving <i>dusufi</i> cloth . . . . . | 36" wide, 45' on fly-shuttle looms, and 24' on handlooms.                   |
| (5) Warping by manual labour . . . . .    | 4 warps, 150' long each, by four convicts.                                  |
| (6) Storing and weighing grain . . . . .  | 50 bags of two maunds each.   |
| (7) Cooking . . . . .                     | 1 cook for every 30 prisoners.  |
| (8) Parching gram . . . . .               | 4 maunds.   |

(b) *By time (i.e., 9 hours steady work.)*

- |                       |                        |
|-----------------------|------------------------|
| (1) Raising water.    | (5) Blacksmith's work. |
| (2) Carrying water.   |                        |
| (3) Cutting firewood. |                        |
| (4) Carpenter's work. |                        |
|                       | (6) Rope making.       |
|                       | (7) Scavenging.        |

## MEDIUM.

## (a) By Task.

- (1) Carpet weaving . . . . . *Woolen and cotton carpets—*  
     1st quality, i.e., 20 threads to the  
     inch,  $1\frac{1}{2}$ '.  
     2nd quality, i.e., 15 threads to the  
     inch,  $2\frac{1}{2}$ '.  
     3rd quality, i.e., 12 threads to the  
     inch, 3'.  
     *Cotton coarse carpets—*  
     4° to 9° according to quality.  
     One convict should weave up to 2' width.
- (2) Durrie weaving . . . . . Striped and plain with or without  
     boarder 2'.  
     Kantodar  $1\frac{1}{4}$ '.  
     Flowered—3° to 9° according to pattern,  
     width up to 2' per convict.  
     Coarse moonj or hemp mat weaving, 18  
     sq. ft.  
     Fine moonj or hemp mat weaving, 12  
     sq. ft.
- (3) Newar weaving . . . . . 60' for widths 2° to  $2\frac{1}{2}$ °.
- (4) Money bag weaving . . . . . 8° to 1°.
- (5) Tailoring . . . . . *Hand sewing—*  
     Coats 5, Trousers 6, Rumalis 8,  
     Towels 23, Caps 40 and *Kurties* for  
     females 3.

## (b) By time (i.e., 9 hours steady work).

- |                             |   |   |
|-----------------------------|---|---|
| (1) Cleaning grain.         | } | (7) Basket, bamboo or cane work.            |
| (2) Husking rice or pulses. |   | (8) Hair cutting.                           |
| (3) Winnowing grain.        |   | (9) Gardening.                              |
| (4) Flour sifting.          |   | (10) Cleaning and clay-washing<br>barracks. |
| (5) Dyeing.                 |   | (11) Cleaning lamps.                        |
| (6) Carpenter's work.       |   |   |

## LIGHT.

## (a) By Task.

- |  |   |                             |
|--|---|-----------------------------|
| (1) Twisting thread— $1\frac{1}{2}$ seers. | } | (3) Opening thread—2 seers. |
| (2) Twisting Moonj ban—300 yards.          |   |                             |

## (b) By time (i.e., 9 hours steady work).

- |                      |   |                                  |
|----------------------|---|----------------------------------|
| (1) Winding bobbins. | } | (4) Weeding and light gardening. |
| (2) Grain sifting.   |   | (5) Dressing vegetables.         |
| (3) Splitting cane.  |   | (6) Sweeping.                    |

765. The Superintendent shall employ every convict in accordance with the class of labour determined by the Medical Officer. The labour allotted on admission and subsequent changes of labour shall be recorded on the history-ticket under the initials of the Superintendent.

766. On admission every convict who is physically fit shall be put on hard labour such as grinding grain, or pounding moonj. If he knows

a trade carried on in the prison, he should be put on that trade at once to utilize his expert knowledge. Long-term convicts shall be put in factories to enable them to learn trades or professions.

767. Every convict on being assigned any kind of work shall be allowed a reasonable time in which to learn it.

768. Labour in the prison may be—

- (1) intramural, i.e., within the outer main wall, or
- (2) extramural, i.e., beyond the outer walls of the prison.

769. In the hot weather, convicts employed on extramural labour or in the open shall be exempted from labour between 10 A.M. and 2 P.M. All convicts working in shade shall cease work at 11 A.M. and resume work at 2 P.M. In the winter all convicts shall cease work at 11 A.M. and resume it at 12 noon.

Convicts in infirm gangs and weekly convicts shall be allowed a midday rest of two hours throughout the year and shall do such light work as may be allotted to them within the hospital enclosure.

770. Female convicts shall be employed on repair of clothing, cleaning grain, etc., and may be given instruction in needlework, knitting and other domestic industries. They shall not be employed on grinding grain.

771. The Jailer shall keep suitable convicts under training in all forms of skilled labour in order to replace artisan convicts on release. The proportion of such convicts shall not be less than 20 per cent. in each department of the factory.

772. When any gang of convicts is employed on any particular work, a task board shall be prominently displayed. These task boards shall be 2 feet by 1 foot in size and painted black. On these boards shall be written in chalk the prescribed task.

773. (a) The Jailer or other officer in charge of a work gang shall check every evening the quality and quantity of the work done and shall see that all convicts perform their allotted tasks, noting the work done on the prescribed labour tickets which shall be maintained for tasked labour only.

(b) He shall check all tools every evening and cause them to be collected and stored in a place of security and shall enter in the tools lists the number of tools so stored.

774. Literate convicts shall not be employed in the prison office. No prisoner convicted of forgery shall be entrusted with the care of history-tickets, barrack lists, etc.

775. The total number of prison servants and hospital attendants shall not exceed 10 per cent. of the prison population.

776. The Superintendent shall allot labour to each convict with due regard to the capacity of the convict and the suitability of the task. He, however, may allot conservancy work to high caste Hindus who volunteer for it, subject to the following conditions:—

- (1) Volunteers should be employed only if the Superintendent having regard to the requirements of the jail deems it necessary to call for volunteers to be employed on conservancy work.

- (2) The fact that a particular prisoner volunteers for conservancy work does not establish any right to be employed in that capacity.
- (3) There shall be a properly attested record of the fact that particular prisoners have volunteered to prevent any subsequent charge that this labour is exacted from them.
- (4) Volunteers to whom conservancy work is allotted, must perform that work in its entirety and for so long as the Superintendent of the jail may direct. There should be no half measures, such as the combination of other employment with a little conservancy work.
- (5) The Superintendent shall have full discretion to discontinue such employment any time.
- (6) Volunteers, to whom conservancy work is allotted, will not necessarily live in a barrack with the rest of the conservancy gang, but shall live where the Superintendent directs. It is necessary to prevent the possible corruption by association of the genuine sweeper staff with high caste volunteers.
- (7) Children and minors shall not be accepted as volunteers.

## II.—EXTRAMURAL LABOUR.

777. The undermentioned classes of convicts shall not be employed on extramural labour:—

- (1) Convicts under sentence of imprisonment for terms exceeding five years.
- (2) Convicts belonging to any of the following classes:—
  - (a) dacoits;
  - (b) those who have previously escaped or have attempted to escape;
  - (c) poisoners;
  - (d) specially dangerous criminals who have been convicted of organized crime;
  - (e) residents of foreign territory or an Indian State;
  - (f) those for whom an order of surveillance under section 565, Code of Criminal Procedure, 1898, has been passed;
  - (g) those who have no fixed place of residence or whose place of residence has not been verified;
  - (h) those who have been sent to the prison in default of furnishing security under chapter VIII of the Criminal Procedure Code.
- (3) Juvenile convicts.

778. Subject to the provisions of the foregoing paragraph, the following convicts may be employed on extramural labour with the sanction of the Superintendent:—

- (a) Convicts sentenced to one year or less who have completed one quarter of their term.

- (b) Convicts sentenced to more than one year and less than three years who have completed half of their sentences.
- (c) Convicts sentenced to three years or more, but not more than five years, who have not more than  $1\frac{1}{2}$  years to serve.

779. The Jailer is responsible that no convict shall at any time be employed on any labour outside the prison walls—

- (1) unless he is eligible under the rules contained in this chapter; and
- (2) unless and until the Superintendent shall have sanctioned his being so employed by an entry in the convict's history-ticket.

780. When at any time a sufficient number of convicts eligible for extramural labour is not available for any essential prison service, e.g., the conservancy, trenching night-soil, or water supply, etc., the Superintendent may employ free labour for such essential services for such period as the shortage of prison labour lasts. The charge may be debited to the budget head "Sanitation Charges".

781. Before any convict is employed on extramural work, the Jailer shall certify on his history-ticket, after examining his conviction warrant, that he is fit for extramural employment under the rules contained in this chapter.

The convict shall then be brought up before the Superintendent who, after satisfying himself that the convict is eligible for such employment and that there is nothing in his previous conduct to indicate that it would be imprudent to trust him outside, will sanction his extramural employment.

782. The Superintendent may employ convicts in extramural gangs within the prison precincts on the following kinds of labour:—

- (1) Work in the prison garden and the grounds used as farms or for production of grain and fodder.
- (2) Building, repairs and alterations of the quarters of the prison officers, of roads and of other works.
- (3) Trenching night-soil removed from the prison.
- (4) Cleaning and conservancy of the lines of the prison warders and other officials.
- (5) Water supply arrangements for the prisoners and the prison officials resident on the prison grounds.

783. The Inspector-General of Prisons is authorized to sanction employment of convicts outside the prison limits solely for the prison purposes under such conditions as he may consider necessary for the safe custody of convicts.

784. The employment of the following gangs outside the prison precincts, has been sanctioned by the Provincial Government as a special case:—

- (1) Mirshali well gang.
- (2) Superintendent's garden gang.
- (3) Water gang for the Residency, the Civil Surgeon's house and the Commissioner's house.

785. A gang of sweepers and water carriers shall visit twice a day each quarter occupied by the prison officers, within the prison grounds. Each house shall be cleaned and supplied with water by the gang, which shall then be marched to the next house. No convicts of this gang shall be left about a house. If the Jailer is allowed a garden, a regular gang of not more than four convicts may be detailed to work in it.

786. All officers are prohibited from employing convicts in attending to animals which do not belong to Government. The employment of convicts as house servants of any description is strictly prohibited. Any officer who wilfully disregards these rules will render himself liable to dismissal.

787. All convicts employed outside the prison wall shall ordinarily wear chain fetters. Convict Warders and Overseers shall not be fettered.

788. The number of convicts working in the prison garden gang or in any other gang within the prison precincts under two warders shall not exceed twelve, and in the gangs working outside the prison precincts six.

789. Each extramural gang shall be employed on one form of labour only and shall be under the charge of two paid warders.

790. When an extramural gang employed beyond the prison precincts consists of more than the authorized number or is employed in the vicinity of high crops or at a considerable distance from the prison, the Superintendent may post one or more reserve warders who shall accompany the gang and station themselves in a commanding position to assist in watch and ward. The reserve warders shall be armed with musket and buckshot ammunition.

791. The duties of the Jailer and the intramural head warden on day duty in connection with visits to extramural gangs working within the prison precincts are laid down in paragraphs 169 and 190.

792. The Jailer shall make suitable arrangements for sending the midday diets of the convicts working in extramural gangs at a distance from the prison.

793. The duties of the gate-keeper in connection with extramural gangs are prescribed in paragraph 239.

794. Warders in charge of an extramural gang shall keep their convicts as much together as possible and must keep them within sight at all times. On no account whatever is a convict to be allowed to straggle away from his gang. If any convict declares urgency one of the warders in charge shall take him so far only as may be actually necessary and shall keep him within sight.

795. (a) If a convict escapes, the warders shall give an immediate alarm by blowing their whistles and one warden will pursue the convict, leaving the gang in the charge of the other warden, who shall march it immediately to the main gate, and shall inform the gate-keeper of the occurrence and have the alarm sounded at once.

(b) In the case of gangs working at a distance from the prison, one warden shall pursue the convict and shall give immediate information to the Jailer by telephone, if one is close at hand, and the other warden shall march the gang to the prison.

## CHAPTER XXXIV.

## GARDEN.

796. The Superintendent shall be responsible that the garden contains at all seasons a sufficient quantity of good wholesome vegetables and condiments for the prisoners' use, and that the whole of the prison land, between the outer and inner walls and outside the prison walls available for cultivation is cultivated to the best advantage. All spare lands should be utilized for raising of crops for the prisoners' food and for fodder for the cattle.

797. The Jailer shall be responsible that all crops grown on prison lands are reaped at the proper time and immediately brought into store, and that proper precautions are taken against peculation, loss or misuse.

798. No tree on prison lands should be cut down or otherwise removed without an order in writing of the Superintendent. The wood obtained shall be utilized for prison purposes only.

799. The Jailer shall plant a proportion of lime trees each year to keep up the supply of limes and is responsible that they are watered regularly specially in the hot weather. Tamarind, *bel* and mango trees should be grown in the prison compound and their fruit collected and stored for issue to prisoners.

800. (a) *Garden and Vegetables*.—A Head Warder or Warder who understands gardening should be in immediate charge of the garden and may be specially recruited for the purpose. This Warder should be exempted from night duty.

(b) The number of convicts employed in cultivation of the vegetables and condiments for Jail use shall depend on the Jail population and be in accordance with the following scale:—

3 per cent. on a population of over 500 prisoners.

6 per cent. on a population of and below 500 prisoners.

801. The prison garden shall be kept neat and clean, free from weeds and undergrowth. Shrubs and trees should be grown around well-runs to provide shade for the bullocks. The nursery should be near the well on elevated ground not liable to flooding.

802. Dry leaves and vegetable matter should be raked up and collected in pits. Decayed leaves contain all the elements necessary to make a perfect plant food and with farmyard manure should be put on the ground to a depth of 6 inches and then dug well into the soil.

803. Successful gardening requires frequent and thorough surface tillage, and careful attention to weeding and irrigation at proper times.

804. All available land in the garden shall be laid out in large fields. Irrigation channels built of brick-in-lime should be provided to carry water from the wells to the fields.

805. Corresponding to the *Kharif* and *rabi* crops of the cereals, there are two main crops of vegetables. One is in season from April to July

and the other from August onwards. The chief country vegetables are:—

*Kaddu.**Arvi.**Lauki.**Kakri.**Muli.**Khira.**Karela.**Bhindi.**Torai.**Brinjal.**Beans.*

They require frequent watering especially in the hot weather. The sowings for the hot weather crops shall commence about the end of January and continue till the beginning of April, and from May onwards sowings of the rains varieties should be made.

806. Two or more large fields should always be under the *sags* which have great anti-scorbutic value and can be sown broadcast. *Palak*, *chaula*, *kulfa*, and China cabbage should be sown extensively in the proper season.

807. Chillies and other condiments should be grown in prison fields for issue to the prisoners. *Patua* (Roselle) should also be grown to supplement the supply of anti-scorbutics.

808. Onions should be sown in nurseries in late November and transplanted in January. Sufficient onions should be grown to provide 30 maunds for every 100 prisoners.

809. Time of sowing brinjals is—

For round variety or *maroo*—February and October.

For long variety—June.

810. Potatoes, yams, pumpkins, onions and other vegetables which are capable of being stored should be cultivated extensively and stored for use during the time when fresh vegetables are scarce.

811. English vegetable seeds should be sown in the nurseries from late September onwards to January in succession. Acclimatised seeds of these varieties may be sown in August or September when the nurseries will require *chhappars* to protect them from the sun and heavy rain. *Sirki pals* placed on bamboo frames give good shade; the height of such shelters should be 6 feet on the north side sloping to 4 feet on the south side with a depth of 6 feet.

812. Special sowings of root vegetables such as beet, turnip, swedes, mangel wurzels should be made in December so that the crops will mature in April or early May for use when other vegetables are scarce.

813. An alphabetical list of vegetable seeds showing times for sowings is given in the form giving calendar for sowing vegetable seeds (Form No. 51) for the guidance of the Jailer. It should be hung up in the Jailer's office.

814. Vegetables from the prison garden shall be allowed daily free of charge to the Superintendent, the Jailer, the Deputy Jailer, the Assistant Jailer, the Clerk and the Sub-Assistant Surgeon sufficient for the requirements of each household, provided that the requirements of the prison have been in the first place fully supplied. The allowance for each officer shall be inspected by the Superintendent on his arrival at the prison. If there are vegetables to spare they may be given to head warders and warders to the extent of their personal needs.



## CHAPTER XXXV.

## DISCIPLINE AND NIGHT WATCH.

815. (a) The Jailer is responsible that every prisoner in the prison shall both by day and by night be in charge of a prison officer. A record of the name of every prisoner shall be kept in a gang book during the day and in a barrack list during the night. The gang books and the barrack lists shall be so maintained and the relief of the prison officers so carried out and recorded that the responsibility for an escape resulting from negligence can be fixed definitely and beyond all doubt.

(b) The officers under whose immediate charge the prisoners are placed shall carefully watch them in their various movements and employments and use the utmost elacrity and vigilance to prevent escapes.

816. (a) All movements of prisoners from one part of the prison to another shall be carried out in an orderly manner, the prisoners marching in pairs at the word of command.

(b) No prisoner shall on any account be allowed to leave his work or place without permission and if he has to be sent to any other part of the prison, he shall be accompanied by a Convict Overseer or other responsible officer.

817. For day work the whole of the head warders and warders on the establishment, excluding the reserve guard, shall ordinarily be divided into two squads. The first squad shall come on duty at the opening of the wards and the second squad at midday.

818. The unlocking and locking up of all barracks shall be carried out under the general supervision of the Jailer by the Deputy Jailer, the Assistant Jailer and Clerk. The Jailer shall detail the distribution of duties at unlocking and locking up among these officers and shall allot barracks to each officer. The Jailer shall frequently visit the different divisions of the prison to see that the unlocking and locking up are carried out correctly.

819. (a) The circle bell shall be rung half an hour before sunrise throughout the year.

(b) The prisoners will rise as soon as the bell rings. They will fold their beddings and blankets neatly on their sleeping berths, and shall then sit in double file down the centre of the ward.

820. (a) On the arrival of the Jailer and other prison officers each barrack shall be unlocked. The prisoners shall be marched out in file and counted by the Head Warder in the presence of the Warders who are to take over charge of the prisoners. The officer supervising the unlocking shall verify the number counted out of each barrack by comparison with the entry in the barrack list.

(b) The Head Warder shall let out of their ward the convict officers who are to watch the prison walls during the day. One of the warders shall take them to the latrine and then post them round the prison walls.

(c) Specially selected convict officers shall be posted along the main wall by day. Each convict officer shall patrol a prescribed beat. A

duty roster showing the names of the convict officers employed on this duty and the post they occupy must be kept and written up daily by the Jailer. The posts of these convict officers should be changed daily.

When the convict officers on wall duty are not changed at midday, arrangements shall be made to allow of their having their meals at proper intervals, and for bathing, etc.

821. When the prisoners have been counted and the Jailer has satisfied himself that the number of prisoners unlocked is correct, the night duty warders on 5th watch shall be marched out of the prison.

822. The prisoners shall then visit the latrine and bathing platform in an orderly manner. When the convicts have washed their hands and faces, the early morning meal shall be distributed by the cooks at the appointed place.

823. When the prisoners have had their morning meal they shall be distributed into their respective gangs under the order of the Jailer. A record of the names of prisoners made over to each warder during the day shall be kept in a gang book and every subsequent change of a prisoner from one gang to another shall be recorded therein under the initials of the Jailer.

824. The gang books shall be checked and initialled daily by the officer supervising the distribution of work in the morning and again checked at midday when the second day-squad relieves the first day-squad of warders.

825. The warder in charge of each gang shall march his gang to its working place. When the gang arrives at its place of labour the convicts shall arrange their vessels in a line near by.

826. At 11 o'clock the circle bell shall be rung. The convicts shall stop work and take their vessels, etc., and march in file to the appointed place for the distribution of the midday meal. Here they will sit down in a double line and the cooks will distribute the food in the presence of a prison officer.

827. When the meal is finished the prisoners at the word of command shall stand up together, march in pairs and as they file past they will throw any refuse food left in their plates into the tubs placed for the purpose. They shall wash their plates, hands and mouth and then be marched to their place of labour.

828. The Jailer, Deputy Jailer, Assistant Jailer or Clerk shall be present when food is distributed to the prisoners in the morning, at midday and in the evening. He shall verify the weight of a number of rations issued and frequently test the scales and weights used and report in writing that the food distributed was correct in weight or otherwise, noting any complaints made by the prisoners.

829. The warders of the first day-squad coming on duty at the unlocking of the wards in the morning shall be relieved at midday by the second day-squad. Every long-term and dangerous prisoner shall be specially pointed out to the relieving Head Warders and warders so that particular watch may be kept on him.

830. At 4 p.m. in the winter and 5 p.m. in the summer the circle bell will be rung for locking up and the convicts shall cease work. The convicts shall gather up their vessels and march to the spot where the

gangs were formed. When the Head Warder has counted them they shall march to their respective enclosures and after visiting the latrine and having washed their hands and faces shall receive the evening meal.

831. (a) The night duty warders shall be divided into five squads and their hours of duty shall be as follows:—

First Watch from lock-up to 9 P.M.

Second Watch from 9 P.M. to 11 P.M.

Third Watch from 11 P.M. to 1 A.M.

Fourth Watch from 1 A.M. to 3 A.M.

Fifth Watch from 3 A.M. until the unlocking is completed.

Each squad consists of five warders under a Head Warder or Gate-Keeper.

(b) Each warder's beat should be changed daily and a record kept in the lock-up register of the name of the warder put on each beat in each watch.

(c) The Head Warder in charge of each night watch shall search the warders between the gates when they enter the prison and also when they leave the prison.

832. Half an hour after the circle bell rings to cease work, the Head Warder in charge of the first night watch shall march his squad into the prison and shall put them on the duties allotted by the Jailer.

833. After the completion of the evening meal the prisoner shall be searched and locked up in the following manner:—

- (1) The prisoners shall collect their complete kit of clothing and bedding and parade in line outside their sleeping barracks, and the Head Warder on night duty and the warder in charge shall search each barrack and examine the gratings. On the word of command the prisoners shall stand up and advance four paces in front of their beddings.
- (2) The night duty warders and convict officers of the barrack shall then carefully search every prisoner, his clothing and bedding in the presence of the Head Warder on night duty and the officer in charge of the barrack. When the search is over the prisoners shall re-form ranks, roll up their beddings and sit in pairs.
- (3) The officer superintending the locking up shall call out the names and hours of duty of the convict officers and satisfy himself that they know the hours of their duty. The prisoners shall then stand up and march in pairs to the gate of the barrack where the said officer shall call out and mark on the barrack lists the name of each prisoner, who shall enter the barrack on his name being called at the same time repeating his berth number and go to their berths.
- (4) The prison officers will then lock the door, but will remain present till the convict officer on the first watch has counted the prisoners and reported the number of prisoners and all well. The officer in charge shall record the number locked up in the lock-up report book.

834. The prisoners may talk in the barracks after lock-up to 8 P.M., but loud talking, singing, etc., shall not be allowed.

835. The berths in every barrack shall be numbered, even numbers on one side and the odd numbers on the other. A berth shall be allotted to every prisoner and the number of the berth shall be entered on the barrack list and the prisoner's history ticket. As far as possible, Hindus and Muhammadans should be indiscriminately mixed together in the barracks. In like manner, prisoners of one caste should not be grouped together. Prisoners shall not be transferred from one barrack to another without the orders of the Jailer.

836. Convicts sentenced in the same case shall be confined in different barracks, and shall as far as possible work in different gangs.

837. Every barrack shall be provided with a sufficient number of lanterns. The lanterns shall be suspended from the roof and shall be at least 8 feet high from the ground so as not to be accessible to prisoners.

838. Rules regulating the watch and ward and lighting of association barracks apply equally to cell blocks and the barracks containing cubicles in which the convict officers will be on duty and the lanterns will be kept burning.

839. (a) The Jailer shall maintain a register of locks and keys in which a description and the number of all the locks and keys by bunches and the names of the barracks, cells or store-rooms, where they are in use, shall be entered.

(b) On each bunch of keys there shall be a brass disk showing the number of the bunch and the number of keys on that bunch and the key chest shall be provided with books serially numbered in correspondence with the numbers on the bunches of keys.

(c) After lock-up the keys of all barracks, cells, godowns and workshops will be lodged in the key chest and the Jailer shall verify the number and certify in the lock-up report book that all keys have been correctly received back from all officers and that they have been placed in the key chest.

(d) A list of keys which remain in the possession of officers and are not deposited in the key chest shall be entered separately in the register of locks and keys.

(e) The loss of a prison key shall be at once reported to the Superintendent. A lock the key of which has been lost or mislaid shall be destroyed in the presence of the Superintendent and then written off stock in the lock and key register.

(f) The locks of the doors of all sleeping barracks and cells shall be so arranged that the prisoners cannot reach them from the inside.

The inner gates of all enclosures within circles shall be kept open at night, but the gates of the circles will be securely locked. One key of these locks will be with the Head Warder on duty and the other will be kept in charge of the sentry on the main gate for the use of the officer on night round duty.

840. The duties of the Head Warder on night duty are:—

(1) to see that the night sentries inside the barrack are on the alert;

- (3) to acquaint himself with the appearance of all prisoners in the barrack;
- (4) to allow no prisoner to approach the gratings unnecessarily or to sleep on the floor between the sleeping berths or close to the gratings;
- (5) to perform two or three hours' night watch during which he shall patrol up and down the barrack and keep on the alert;
- (6) to report cases of sickness.

845. Relief of the Convict Night Watchmen shall take place in the presence of the warden on night duty.

846. The Superintendent shall detail for night round duty each night the Jailer, Deputy Jailer, Assistant Jailer or Clerk who shall go round the prison at an hour not known beforehand, which should be subsequently recorded in the Gate Book.

847. The duties of an officer on night rounds are:—

- (1) He shall visit all parts of the prison and all posts and sentries.
- (2) He shall demand reports from all sentries regarding the condition of gratings, bolts and locks and the count of prisoners, and shall satisfy himself that all lamps are burning brightly.
- (3) He shall check some of the prisoners on their berths from the barrack lists.
- (4) He shall, on the termination of the round, record in a detailed report in the gate book that he has carried out these duties and shall report any untoward occurrence or irregularity that comes to his notice. He shall note the actual time of the commencement and termination of his round.

848. No barrack shall be opened during the night except in cases of urgent necessity, and then only in the presence of the Jailer, who is responsible that a sufficient number of warders and convict officials is present to repel any attempt at an outbreak of the prisoners locked up in the barrack. Before any barrack is so opened a chain shall be passed through the door post and the grating of the door, and secured with a lock so as to allow only one person to get out of the barrack at a time and to make it impossible for the prisoners to attempt a rush.

849. If from any cause the prison at any time becomes temporarily insecure, the Superintendent shall intimate the fact to the Superintendent of Police, who shall supply a police guard of the requisite strength to provide for the safety of the prisoners until the prison is made secure.

850. The following rules are prescribed for the care and use of the watchman control clocks:—

- (1) The Superintendent shall fix the control clock stations at such points as he considers most important in the beat of a Head Warden or warden who is to carry the clock. They shall be so arranged that in proceeding from one post to another the Head Warden or warden cannot avoid visiting

## CHAPTER XXXVI.

## FETTERS FOR SAFE CUSTODY.

851. Fetters for safe custody shall be of two kinds, *i.e.*, bar fetters and link fetters.

(a) Bar fetters shall consist of two round iron bars, each bar 20 inches in length, connected at one end by a ring  $1\frac{1}{2}$  inches in diameter and with ankle rings at the other end for fastening them to the leg. The total weight of such fetters including the ankle rings shall not exceed five pounds, and the round iron for the bars, the ring and the ankle rings shall be half an inch thick.

(b) Link fetters shall be composed of a chain and ankle rings. The total weight of such fetters, including the ankle rings shall not exceed three pounds and the chain shall not be less than 2 feet in length.

852. The Superintendent, in his discretion, may impose bar fetters on the convicts under sentence of transportation for the first three months after admission to prison. Should the Superintendent consider it necessary for any reason, that fetters should be retained on such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary and the Inspector-General may sanction such retention accordingly.

853. A convict sentenced to rigorous or simple imprisonment shall not be placed in fetters unless such convict has shown by his conduct in prison that he is violent or dangerous or unless he has escaped or has attempted to escape or has made preparations to escape from the prison: Provided, that the Superintendent, for any other special reasons to be recorded in writing, may impose fetters for safe custody on any prisoner.

854. Fetters on convicts who have been imprisoned under section 224, Indian Penal Code, for escape or attempt to escape from the prison shall be distinguished by a ring of brass one-half inch wide soldered around each bar at its middle.

855. The Superintendent may impose bar fetters on under-trial prisoners for safe custody if the character of the offence or of the prisoner gives reasonable grounds for considering this to be necessary.

856. The Jailer shall be responsible when fetters are imposed for safe custody that the fetters have double riveted ankle rings and that the link connecting the bars is welded and is of the same thickness as the bar and that the ankle rings are small enough to prevent their being drawn over the feet.

857. The Jailer shall examine all fetters imposed for safe custody once a week and note the result in his report book.

858. Every prisoner on whom fetters of any kind have been imposed shall be provided with leather gaiters and shall use them. He shall keep his fetters bright and polished.

859. Convicts working in extramural gangs shall ordinarily wear link fetters. Convict Wardens and Overseers shall not be fettered.

860. When the Superintendent orders fetters of any kind to be imposed on any convict or under-trial prisoner for safe custody he shall record the imposition of fetters and the reasons therefor on the history or detention ticket. He shall also cause a record to be made in the fetter register of the prisoner's number and name, the date on which the fetters were imposed and removed, the period for which they were imposed and the reasons for imposition.

861. The use of the hel-chain is absolutely prohibited in the case of convicts or under-trial prisoners except when they are confined in open spaces outside the prison or in tents within the prison.

## CHAPTER XXXVII.

## OFFENCES AND PUNISHMENTS.

862. (a) The following acts are declared by section 45 of the Prisons Act, 1894, to be prison offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 of the Prisons Act, 1894, to be a prison offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing handcuffs, fetters, or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against any officer or prisoner;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

(b) Refusal by a prisoner to take the diet prescribed by the authorities of the prison shall constitute a prison offence and shall be punishable with any punishments admissible under section 46 of the Prisons Act, 1894.

863. The following acts are forbidden, and every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence within the meaning of section 45 of the Prisons Act, 1894:—

- (1) talking when at file or at unlocking, or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and loud talking at any time;



- (2) quarrelling with any other prisoner;
- (3) secreting any article whatever;
- (4) showing disrespect to any jail officer or visitor;
- (5) making groundless complaints;
- (6) answering untruthfully any question put by an officer of the prison or a visitor;
- (7) holding any communication (in writing, by word of mouth, or otherwise) with an outsider, with a prisoner of the opposite sex, civil or under-trial prisoner or a prisoner of a different class, in disobedience of the regulations of the prison;
- (8) abetting the commission of any prison offence;
- (9) omitting to assist in the maintenance of discipline by reporting any prison offence, or to give assistance to an officer of the prison when called on to do so;
- (10) doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner;
- (11) doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison;
- (12) leaving without permission of an officer of the prison the gang to which he is attached, or the part of the prison in which he is confined;
- (13) leaving without permission of an officer of the prison the ward, the yard, the place in file, the seat or berth assigned to him;
- (14) loitering about the yards or lingering in the wards when these are open;
- (15) omitting or refusing to march in file when moving about the prison;
- (16) visiting the latrines or bathing platforms except at stated hours, or without permission of an officer of the prison, or resorting unnecessarily to the night latrine, or omitting or refusing to employ dry earth in the manner directed by the prison regulation;
- (17) refusing to eat the food prescribed by the prison diet scale;
- (18) eating or appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners;
- (19) removing without permission of an officer of the prison food from the cook-room or godowns or from the place where meals are served, or disobeying any orders as to the issue and distribution of food and drink;
- (20) wilfully destroying food or throwing it away without orders;
- (21) introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (22) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners, or losing, discarding, damaging, or altering any part of it;

- (23) removing, defacing, or altering any *distinctive number, mark* or badge attached to or worn on the clothing or person;
- (24) omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails;
- (25) omitting or refusing to keep clean his clothing, blankets, bedding, fetters, cups, plates or the identification token or disobeying any order as to the arrangement or disposition of such articles;
- (26) tampering in any way with prison locks, lamps, or lights, or other property with which he has no concern;
- (27) stealing the prison clothing or any part of the prison kit of any other prisoner;
- (28) committing a nuisance in any part of the prison;
- (29) spitting on or otherwise soiling any floor, door, wall, or other part of the prison building or any article in the prison;
- (30) wilfully befouling the wells, latrines, washing or bathing places;
- (31) damaging the trees and vegetables in the garden of the jail, or maltreating the prison cattle;
- (32) omitting or refusing to take due care of all prison property entrusted to him;
- (33) omitting or refusing to take due care of, or injuring, destroying or misappropriating the materials and implements entrusted to him for work;
- (34) omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implements;
- (35) manufacturing any article without the knowledge or permission of an officer of the prison;
- (36) performing any portion of the task allotted to another prisoner or obtaining the assistance of another prisoner in the performance of his own task;
- (37) appropriating any portion of the task performed by another prisoner;
- (38) mixing or adding any foreign substance to the materials issued for work;
- (39) wilfully causing to himself any illness, injury or disability;
- (40) causing or omitting to assist in suppressing violence or insubordination of any kind;
- (41) taking part in any attack upon any prisoner or officer of the prison;
- (42) omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner;
- (43) disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed.

864. When in the opinion of the Superintendent any of the following offences are established against any prisoner he shall refer the case to the Magistrate exercising jurisdiction for inquiry in accordance with the Code of Criminal Procedure, 1898:—

- (1) offences punishable under sections 147, 148 and 152 of the Indian Penal Code;
- (2) offences punishable under sections 222, 223 and 224 of the Indian Penal Code;
- (3) offences punishable under sections 304A, 309, 325 and 326 of the Indian Penal Code;
- (4) any offence triable exclusively by the court of session.

865. It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the magistrate exercising jurisdiction to inquire into it in accordance with the Code of Criminal Procedure, 1898.

866. If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent is not adequately punishable by the infliction of any punishment which he has power under the Prisons Act, 1894, to award, the Superintendent may forward such prisoner to the Court of the District Magistrate, or of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46 of the Prisons Act, 1894:

Provided that the District Magistrate may transfer the case for inquiry and trial to any Magistrate of the First Class: and

Provided, also, that no person shall be punished twice for the same offence.

867. The Superintendent may examine any person touching any prison offence, and determine thereupon, and punish such offence by any of the prescribed minor or major punishments; the Superintendent should endeavour to apportion the penalty to the needs of the case.

NOTE.—No officer subordinate to the Superintendent shall have power to award any punishment whatever.

868. The following punishments shall be considered minor punishments:—

- (5) temporary reduction from a higher to a lower class or grade;  
 (6) penal diet with or without cellular confinement for not more than 48 hours—

(a) Penal diet consists of 8 chhataks of flour boiled as a porridge seasoned with  $\frac{1}{2}$  chhatak of salt and given in two meals.

(b) No prisoner while undergoing a punishment of penal diet shall be required to do either hard or medium labour, but he should be liable to perform such light form of labour, and for such number of hours daily, as the Medical Officer may, in each case, approve;

- (7) cellular confinement for not more than seven days—

(a) Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

(b) A cell-ticket in the prescribed form shall be maintained and suspended outside the cell door;

- (8) separate confinement for not more than fourteen days.

Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

- (9) imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple—

(a) Handcuffs imposed by way of punishment shall be iron bar handcuffs, weighing, with lock, not more than 2 pounds each, or swivel with spring-catch handcuffs weighing not more than  $1\frac{1}{4}$  pound each, or chain handcuffs weighing not more than 1 lb. each.

(b) Handcuffs may be imposed on the wrists in front by day or night for a period of not more than twelve hours at a time, with intervals of not less than twelve hours between each period, and for not more than four consecutive days or nights;

- (10) imposition of link fetters for not more than 30 days.

Link fetters shall be composed of a chain and ankle rings. The total weight of such fetters, including the ankle rings, shall not exceed 3 pounds, and the chain shall not be less than 2 feet in length;

- (11) substitution of clothing of gunny or other coarse fabric for the portion of the ordinary prison clothing which is not woollen for a period which shall not exceed 3 months.

869. The following punishments shall be considered major punishments:—

- (1) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;  
 (2) (a) forfeiture of remission earned, exceeding three but not exceeding nine days;

- (b) forfeiture of remission earned, in excess of nine days;
  - (c) forfeiture of class, grade, or prison privileges for a period exceeding three months;
  - (d) exclusion from the remission system for a period not exceeding three months;
  - (e) exclusion from the remission system for a period exceeding three months; and
  - (f) permanent reduction from a higher to a lower class of grade.
- In the case of punishments 2 (b) and 2 (c) or any combination of the punishments 2 (b), 2 (c) and 2 (e) the order of punishment shall not take effect until sanctioned by the Inspector-General;

- (3) cellular confinement for a period exceeding seven days;  
The maximum period for this punishment is fourteen days;
- (4) separate confinement for a period exceeding fourteen days;  
The maximum period for this punishment is three months, and the previous confirmation by the Inspector-General of Prisons is required when the period exceeds one month;
- (5) link fetters if imposed for more than thirty days;  
The maximum period for which they may be continuously imposed is three months;

(6) bar fetters;

- (a) Bar fetters shall be composed of two bars joined together by a welded link and attached to ankle rings. The total weight of such fetters, including the ankle rings, shall not exceed 5 pounds, and each bar shall be not less than 20 inches in length.

- (b) The maximum period for which bar-fetters may be continuously imposed is three months;

(7) cross-bar fetters;

- (a) Cross-bar fetters shall be composed of a single bar for the purpose of keeping the legs apart and of ankle rings. The total weight of such fetters, including angle rings, shall not exceed 2½ pounds. The length of the bar shall not exceed 16 inches in the case of men who are not less than 5 feet 6 inches in height, or 14 inches in the case of men below this height.

- (b) The maximum period for which cross-bar fetters may be imposed continuously is 240 hours;

(8) handcuffing behind or to a staple;

- (i) Handcuffs may be imposed on the wrists behind by day only for a period of not more than six hours in any day of 24 hours, and for not more than four consecutive days.
- (ii) Handcuffs may be imposed by attaching the handcuffs affixed on the prisoner's wrists to a staple in front of the prisoner by day for not more than four consecutive days and for not more than six hours on each day with an interval of at least one hour after the handcuffs have been so attached for three hours;

Provided that such staple shall not be higher than the prisoner's shoulder nor lower than his waist, and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners:

Provided further, that the punishment referred to in sub-clause (ii) shall not be executed until the prisoner to whom the punishment has been awarded has been examined by the Medical Officer and pronounced to be fit to undergo the punishment:

Provided, also, that this punishment shall be restricted to cases where the prisoner has been guilty of repeated and wilful violations of any prison rule, and where, in fact, his conduct is evidently due to contumacy;

(9) penal diet combined with cellular confinement for more than 48 hours;

Penal diet shall in no case be applied for more than 96 hours;

(10) whipping, provided that the number of stripes shall not exceed thirty and in the case of a person under 16 years of age it shall not exceed 15 stripes;

(a) Whipping, as a prison punishment, shall be inflicted only for mutiny or for conduct seriously affecting the discipline of the prison, or for incitement thereto, for serious assaults on any public servant or visitor, or after other punishments have failed for other offences of a specially grave nature.

(b) When whipping is awarded the Superintendent of the Prison shall record in every case in the punishment register the substance of the evidence of the witnesses, the defence of the convict, and the finding with the reasons therefor.

(c) The Superintendent shall submit at once to the Inspector-General of Prisons a special report, based on the record in the punishment register, on every case in which whipping has been inflicted.

(d) A and B class prisoners shall not be whipped except with the permission of the Provincial Government;

(11) any combination of punishments admissible under the following provisions, namely:—

Any two punishments may be awarded in combination subject to the following exceptions:—

(1) formal warning shall not be combined with any other punishment except loss of privileges;

(2) penal diet shall not be combined with change of labour nor any period of penal diet awarded singly shall be combined with any period of penal diet awarded in combination with cellular confinement;

(3) cellular confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner is liable;

(4) whipping shall not be combined with any other form of punishment except cellular or separate confinement or a

- (iii) The person inflicting the punishment of whipping, whether it has been ordered by a Judicial Court or is awarded as a measure of prison discipline, shall be, wherever possible, of a higher caste than a sweeper.
- (iv) To prevent undue laceration of the skin, a piece of thin cloth soaked in some antiseptic solution should be spread over the prisoner's buttocks during the operation.
- (v) All such cloths should be thoroughly washed and afterwards soaked in an antiseptic solution before being brought into use so as to obviate the possibility of disease of any kind being conveyed from one prisoner to another.
- (vi) The "drawing stroke" which is calculated to lacerate the flesh is prohibited.
- (vii) If during the execution of a sentence of whipping the Medical Officer certifies that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.
- (viii) The infliction of petty floggings as jail punishments is injudicious; Superintendents should never, except under very special circumstances, inflict less than 15 stripes, as if the offence is sufficiently serious to necessitate flogging as a punishment the flogging should be made really deterrent.

*NOTE.*—Diet money on the scale allowed to convicts released from jail should be allowed also to prisoners whipped and released, to enable them to reach their homes, when, in the opinion of the Magistrate, the circumstances require it.

878. (a) When an accused person is sentenced by court to whipping in addition to imprisonment the whipping shall not be inflicted until fifteen days from the date of sentence, or, if an appeal is made within that time, until the sentence is confirmed by the appellate court; but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the appellate court confirming the sentence.

(b) In any case in which a sentence of whipping is wholly or partially prevented from being executed the warrant shall be returned to the court and the offender shall be kept in custody till the court which passed the sentence can revise it.

(c) After a whipping has been duly inflicted the Superintendent shall endorse a certificate on the warrant to that effect, recording the date of execution.

### *Record and Classification of Offences.*

879. In respect of every punishment inflicted the Superintendent shall record, in the punishment register and the history-ticket, the prison offence committed, the punishment awarded, and the date of infliction.

880. In the case of every serious prison offence the prisoner, with his history-ticket, shall be brought to the prison office, where the inquiry into the offence will be held and the names of the witnesses proving the offence shall be recorded in the column provided for the purpose.

In other cases the nature of the offence, the date on which it was committed and the punishment awarded shall be entered on the prisoner's history-ticket at the place in the prison where the punishment may be ordered and the time of its infliction, the entries being initialled by the Superintendent, and on the same day the necessary entries shall be made in the punishment register.

881. An offence for the purpose of classification in the annual returns will be considered a minor offence when it is dealt with by a minor punishment, and a major offence when dealt with a major punishment.



## CHAPTER XXXVIII.

## OUTBREAKS AND ESCAPES.

'882. The following rules have been made under clause (6), section 59, Act IX of 1894, for the use of arms against any prisoner or a body of prisoners, in the case of an outbreak or attempt to escape:—

- (1) Any officer of the prison may use a sword, bayonet, firearm or any other weapon against any prisoner escaping or attempting to escape: provided that resort shall not be had to the use of any such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.
- (2) Any officer of the prison may use a sword, bayonet, firearm or any other weapon on any prisoner engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.
- (3) Any officer of the prison may use a sword, bayonet, firearm or any other weapon against any prisoner using violence to any officer of the prison or other persons: provided that such officer has reasonable ground to believe that the officer of the prison or other person is in danger to life or limb, or that other grievous hurt is likely to be caused to him.
- (4) Before using firearms against a prisoner under the authority conveyed in rule (1) of this paragraph, the officer of the prison shall give a warning to the prisoner that he is about to fire on him.
- (5) No officer of the prison shall, in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.

(See part V of G. G. O. No. 12-Jails-500-510, dated the 31st August, 1896.)

883. It is the duty of the officer who first notices that a disturbance is taking place or appears imminent or a prisoner is missing or is attempting to break prison, to blow his whistle continuously and to send to the Gate-Keeper with all possible haste such information as is known regarding the character of the occurrence that has taken place or is about to take place. Every officer hearing a whistle shall blow his own whistle and continue whistling until he hears the alarm bell ringing.

884. In the event of an outbreak or escape occurring at the prison, the Jailer shall send at once intimation of the cause for the alarm to the Superintendent. He shall also give immediate notice to the Superintendent of Police and the District Magistrate.

885. The District Magistrate shall afford all assistance possible to the prison authorities in case of threatened disturbance or combined insubordination amongst the prisoners.

886. (a) The Gate-Keeper, as soon as he hears a whistle sounding continuously or receives notice of any prisoner having escaped, or of a disturbance having taken place or being imminent, shall order the sentry to fire his musket into the air and to sound the alarm, and shall send immediate notice to the Jailer.

(b) The sentry on duty at the main gate shall raise the alarm by firing a blank cartridge and loudly sounding the alarm bell when ordered to do so by the Gate-Keeper or on his own initiative if he has reason to believe that an outbreak or disturbance or attempt at escape is occurring.

887. On the sound of the alarm all prison officers excepting warders on duty shall assemble forthwith at the main gate. The warders shall fall in near the armoury and be armed as quickly as possible with rifles, bayonets and twenty rounds of buckshot ammunition. Warders for whom rifles are not available shall be armed with *lathis*. A sufficient number of *lathis* shall be kept in the stock in the armoury for the office establishment and warders.

888. (a) Warders on duty in charge of prisoners or gangs of prisoners inside the prison shall collect the prisoners where they are at work and shall lock them up in the nearest barrack or factory. The gangs working outside the prison shall be marched in file at the double to the main gate and shall be locked up in the nearest available barrack. All prisoners locked up in barracks or factories shall be counted by the warder in charge. They shall sit silently in file till the alarm is over.

(b) Warders and Convict Warders, after locking up the prisoners in their charge, shall remain on sentry duty outside the barracks or factories in which the prisoners have been locked up, unless otherwise directed.

889. Pending the arrival of the Superintendent, the Jailer or Deputy Jailer shall be responsible for carrying out the following routine precautions:—

- (1) He shall post sentries above the main gate to observe and report the movement of the prisoners and detail a party of warders for duty around the main wall of the prison.
- (2) If the sentries on the main gate roof report that the main gate is clear, he shall take the remainder of the guard inside the prison.
- (3) In the event of an outbreak, he shall proceed to the scene with the guard and if the circumstances are such as to necessitate immediate action, he shall warn the prisoners three times in a loud voice that if they do not submit at once and peacefully disperse, they will be fired upon. If the circumstances are such as do not admit of delay, the warning need not be repeated.
- (4) If, upon being warned, the prisoners do not submit and disperse, and if there appears to be no other immediate means of quelling the disturbance, he shall order the guard to fire upon them. But firing shall cease the moment the prisoners disperse or yield.

890. The Superintendent on arrival shall assume charge of the operations.

891. When the alarm has been concluded the prison bell shall be rung thrice as a signal for all officers to return to the main gate where a roll call shall be held and the names of the officers who were late in turning out or absent shall be noted for necessary action. The Reserve Head Warder shall collect the unexpired ammunition and render to the Jailer an account of the cartridges fired.

892. The Superintendent shall report the facts of the outbreak or incident to the Inspector-General and shall report the result of the inquiry held by him.

893. The District Magistrate shall also conduct an inquiry and record a judicial finding on the cause of the outbreak and the conduct of the officials concerned. A copy of this report shall be forwarded by the District Magistrate to the Inspector-General direct.

894. (a) The Superintendent shall hold an alarm parade based on the above rules at least once a month.

(b) When the alarm parade is over and before the reserve guard is withdrawn from inside the prison each warder shall fire three cartridges loaded with buckshot on a safe target to impress on prisoners the fact that warders carry loaded arms on these occasions.

895. In the event of a prisoner being missing, the Jailer shall form immediately search parties of warders and convict officers, and conduct a thorough search of the prison premises for the missing prisoner.

896. When an escape has taken place and attempts at recapture have been unsuccessful, the Superintendent shall give immediate notice to the District Magistrate, and shall send a descriptive roll of the prisoner with all information available including the prisoner's place of residence and the reward offered for his re-apprehension to the Superintendent of Police, Ajmer. Similar reports and descriptive rolls shall be sent to the Superintendent of Police of the District in which the prisoner's home is situated and the districts adjoining it. A report and descriptive roll shall also be sent to the Railway Police.

897. Immediately on receiving intimation of an escape, the District Magistrate (or in his absence the magistrate in charge of headquarters) shall make an investigation into the circumstances of the escape and send a report to the Inspector-General, with such recommendations as he may think fit to make in regard to the prison officials. No investigation by the police shall be made inside the prison except under the orders of the District Magistrate.

898. The Superintendent shall submit at once a preliminary report of every escape to the Inspector-General in the prescribed form.

899. The Superintendent shall later conduct a full inquiry into all circumstances of the escape, and forward a full report and the evidence taken, together with his recommendations regarding the conduct of the prison officers or the removal of defects in buildings, etc. A rough sketch of the prison premises from which the escape occurred, showing the posts of sentries should be sent with the report.

900. When the reports of the District Magistrate and the Superintendent of the Prison indicate that the escape has been due to negligence of prison officers, the Inspector-General shall decide whether the offence shall be dealt with in accordance with the provisions of the Indian Penal

Code or as a breach of prison discipline. Important cases of escape should be reported by the Inspector-General to the Provincial Government.

901. The Superintendent shall report also all attempts at escape to the Inspector-General.

902. The Superintendent may advertise and pay rewards for the re-apprehension of an escaped prisoner up to a maximum of Rs. 100, according to the circumstances of the escape and recapture, the degree of exertion taken or danger run by the person recapturing the prisoner, the physique of the prisoner and the degree of resistance he offered and similar considerations.

903. Whenever peculiar circumstances render it advisable to offer or pay a larger reward, application must be made to the Inspector-General, who is empowered to sanction rewards up to Rs. 250 for the recapture of any prisoner.

904. When an escaped prisoner is recaptured, the Superintendent shall send a report to the Inspector-General giving the circumstances and the date of recapture, and the prisoner shall be sent for trial and a copy of the judgment forwarded to the Inspector-General. The Superintendent shall send intimation of the recapture to all officers who were addressed in connexion with the escape.

905. Prisoners who have effected their escape from prison shall, on recapture, be placed in fetters and shall be distinguished by a ring of brass one-half inch wide soldered around each bar at its middle.

906. The name and full particulars of prisoners who escape shall be entered in the escape register.

907. As a precautionary measure against escape, no partition wall shall be constructed to abut upon, or touch, the enclosure wall unless it be of equal height with that of wall, and itself untouched by any lower wall; or the enclosure wall be considerably heightened, above the general level, where the low divisional wall touches it; no cornice or projections, or roughness of any sort, shall be built, or permitted to remain, at the top of any enclosure or divisional wall.

908. No buildings or trees of any sort shall be permitted to touch, or abut upon, any divisional or enclosure wall; but a clear space of eight feet, at least, shall divide such wall from any building or trees on all sides.

## CHAPTER XXXIX.

## SOLITARY CONFINEMENT.

909. The maximum periods of solitary confinement which a court is empowered to inflict are:—

- (a) one month, if the term of imprisonment does not exceed six months;
- (b) two months, if the term of imprisonment exceeds six months but does not exceed one year;
- (c) three months, in any one sentence, if the term of imprisonment exceeds one year.

910. Sentences of solitary confinement awarded by courts in Ajmer-Merwara under sections 73 and 74 of the Indian Penal Code (Act XLV of 1860) shall be executed by the prison authorities as if they were sentences of cellular confinement as explained in clause 10 of section 46 of the Prisons Act, 1894 (IX of 1894).

911. The Jailer is responsible for the due execution of the sentences of solitary confinement.

912. Every prisoner confined in a cell shall be invariably in the immediate charge of a warder, assisted if necessary during the day by a convict officer. Both by day and by night the guards shall be posted so that the prisoner may communicate at any time with a prison officer.

913. Every prisoner before being placed in a cell shall be carefully searched and every cell and every prisoner therein shall be carefully searched daily at lockup time and oftener if necessary.

914. On the admission of a convict sentenced to solitary confinement, the Jailer shall prepare a solitary cell ticket and enter the convict's name in the register of solitary confinement.

915. (a) In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than those periods.

(b) When the imprisonment awarded exceeds three months, the solitary confinement shall not exceed seven days in any one month with intervals between the periods of solitary confinement of not less duration than such periods (section 74 of the Indian Penal Code).

916. In executing sentences of solitary confinement four weeks shall be taken as equivalent to one month.

917. Convicts sentenced to solitary confinement shall ordinarily be divided into four batches, and each batch shall undergo solitary confinement for one week in each month.

918. When the convict has been placed in a cell, his ticket showing the date of commencement of the period of solitary confinement shall be posted outside the cell and the date of termination of the week's solitary confinement shall be entered in the ticket. The period undergone should be then recorded in the register of solitary confinement.

919. Every convict undergoing solitary confinement shall be visited by the Superintendent and the Medical Officer at their visits and by the Sub-Assistant Surgeon and the Jailer at least once every day.

920. No prisoner shall be placed in solitary confinement until the Medical Officer certifies that he is fit to undergo it.

921. If the Medical Officer is of opinion that solitary confinement is likely to prove injurious to the mind or body of any convict, he shall forthwith order him to be removed from the cell and shall record the order in his order book.

922. When a convict is declared permanently unfit to undergo the solitary confinement to which he has been sentenced, or any portion thereof remaining, the Superintendent shall apply to the Provincial Government through the Inspector-General of Prisons for the remission of the sentence of solitary confinement.

923. When the period of solitary confinement has been completed, the Superintendent shall certify on the back of the warrant the period of solitary confinement undergone. If any part has not been undergone, he shall note the reasons.

924. Convicts undergoing solitary confinement shall not be taken out of their cells for the purpose of attending to the calls of nature, but such convicts shall be permitted to leave their cells for bathing purposes under the escort of a warder between 9 and 10 A.M.

925. When a convict having an uncompleted sentence of solitary confinement is transferred to another prison, the Superintendent shall enter on the back of the warrant the details of the periods of solitary confinement undergone, and shall forward with prisoner his solitary cell ticket.

## CHAPTER XL.

## ACCOUNTS.

926. The Superintendent shall see that all rules laid down in the Account Codes and manual and government orders in matter of accounts are scrupulously followed.

927. The Superintendent shall see that all items of miscellaneous income and receipts are duly remitted to the treasury for credit under (jail) miscellaneous receipts. The maintenance of any fund from the receipts of sale of government property is strictly prohibited.

928. The garden account shall be treated as belonging to the (jail) contingent expenditure and all cash realized by the sale of surplus garden produce shall be paid into the treasury.

(Sanctioned in Chief Commissioner, Ajmer-Merwara's No. 1135-C./278-C. C./31, dated the 3rd March 1932.)

929. (a) The Superintendent shall hold a Permanent Advance of Rs. 100 (One Hundred).

(b) The Permanent Advance is intended for emergent petty advances of all kinds and to meet contingent charges of the jail.

(c) The Superintendent on giving over charge of his office, shall submit the prescribed receipt for the Permanent Advance to the Accountant-General, Central Revenues, signed by his successor.

930. The Superintendent shall see that the Jailer verifies all government property at least once every quarter and that he signs the stock books in token of having examined and found them correct. He shall test frequently and at uncertain intervals items of stock and shall verify all stock once a quarter actually weighing or counting 10 per cent. noting the result and date over his initials on the items checked, and shall report at once to the Inspector-General any serious deficiency or irregularity which he may detect.

931. The Superintendent shall verify by actual weighment the weight of at least 10 per cent. of the goods sent from the factories to the store.

932. The Superintendent shall cause an annual valuation of all stock to be made. Such portions of the stock as it is proposed to reduce in value shall be brought to notice at the time of the Inspector-General's inspection. The Inspector-General is authorized to write off sums on account of deterioration of stock.

933. The Superintendent shall see that all unserviceable or irreparable stores and articles are from time to time brought before him for inspection, in order that they may be condemned or otherwise disposed of under his orders.

934. (a) The Superintendent shall inspect the office and prison library once each year before May 31, and shall report to the Inspector-General whether all records are in proper order or not and the necessary weeding of registers and correspondence has been carried out.

(b) In weeding out the records connected with accounts the rules contained in Appendix 8 (d) of Civil Account Code, Volume I, should be observed.

935. The Superintendent shall promote the utmost economy in every department and shall carefully examine all demands or indents before allowing them or submitting them for sanction.

936. (a) The Superintendent is responsible that the registers prescribed in this Manual are properly maintained and are always kept up to date. He shall at least once a month examine the registers and account books and initial them after satisfying himself of their accuracy.

(b) The Superintendent shall personally satisfy himself that all returns due from his office are despatched in due time.

937. (a) The Superintendent shall communicate to the Inspector-General each year the amount recoverable from the Indian States for the cost of maintenance of convicts, imprisoned in the Ajmer Central Prison for offences committed in such States. This shall be on the basis of the average cost worked out at the end of each year.

(b) To obviate the possibility of cases of non-payment being overlooked, a ledger account showing demands and recoveries of such amounts should be maintained in the prison office. Actual recoveries will be communicated to the Superintendent by the Inspector-General of Prisons to enable the former to show actual outstanding amounts in the statement.

938. (a) The Superintendent shall examine and initial the following registers at least twice a week:—

- (1) Release register.
- (2) Punishment register.
- (3) Jailer's report book.
- (4) Accommodation register.
- (5) Nightwatchman's *controller* records book.
- (6) Labour register.
- (7) Mill register.
- (8) Daily diet register.
- (9) Prison cash books.
- (10) Factory cash books.

(b) In addition to the above, the Superintendent, if he is also the Medical Officer, shall examine and initial at least twice a week:—

- (1) The hospital daily register of admissions and discharges.
- (2) Hospital morning state register, and
- (3) The register of hospital diet and extras.

939. (a) The Superintendent shall afford all reasonable facilities to the auditors in the examination of accounts and records. He shall dispose of the objection statement with all possible expedition and in all cases before the audit is closed.

(b) The Jailer is responsible to see that all receipts, documents, files and completed stock books and accounts registers are kept properly arranged in locked almirahs, so as to be immediately available when required.



(c) The Superintendent shall maintain a separate file in which all correspondence relating to audits, and the explanations submitted and orders passed shall be preserved for the information of the auditors.

940. The Jailer shall exercise general supervision over the work of the office. He is responsible that the returns, registers, etc., are properly maintained and punctually submitted. The Jailer shall check the registers from day to day, and report daily in his report book the numbers of the registers so checked. Each register should be carefully checked at least once a month.

941. The Jailer shall be responsible for the correct maintenance of the cash books in the prescribed form. He shall compare cash in his hands daily with the balance shown and shall initial the cash books daily and present them before the Superintendent for examination. The actual cash shall be verified by the superintendent at least once a month.

942. The Jailer shall be provided with a treasure chest secured with double locks in which money belonging to government or prisoners, and documents of value shall be kept. No private money or valuables shall be kept in the chest.

943. The following rules shall be followed in the preparation and submission of contingent bills, vouchers and sub-vouchers:—

- (1) In respect of classification of charges and record of contingent expenditure the rules contained in chapter 6 of the Civil Account Code, Volume I, shall be followed.
- (2) Abstract bills shall be drawn up in the prescribed Treasury form, and Treasury form A duly filled up shall be sent with the bills which will be returned by the Treasury Officer duly signed.
- (3) The detailed bills shall be prepared and submitted together with all vouchers for above Rs. 25 by the 10th of each month to the Inspector-General. An invoice for the supplies made by the factory to the prison will also be attached to the bills.
- (4) The Superintendent shall prepare each month the following documents relating to expenditure and shall file them in the prison records:—
  - (a) Diet voucher (Prison).
  - (b) Diet voucher (Lock-up).
  - (c) Voucher for hospital charges.
  - (d) Voucher for miscellaneous charges.
  - (e) Factory voucher.
- (5) The column headed "Serial number of sub-vouchers" of the detailed bills should always show the numbers of all payee's receipts whether they are for sums above Rs. 25 or under.
- (6) If any money is refunded into treasury within the month the detailed bill should be prepared for the net amount and not for the gross amount. Treasury receipts should be attached.

- (7) Costs of vegetables, turmeric, chillies, limes, etc., i.e., all products of the prison garden issued to prisoners free of charge should be deducted from the total expenditure shown in the diet voucher and the voucher of the hospital charges.
- (8) The following memorandum should invariably be given on the reverse of the diet voucher for hospital charges for prison and lock-up:—
- Cost of grain in hand on the last day of the past month.
  - Cost of grain purchased during the month.
  - Total.
  - Cost of grain expended during the month as per voucher.
  - Cost of grain in hand.

The Jailer shall certify on this form that the balance shown in this memorandum agrees with the balance in the Register of purchase of grain and the prison ledger, and that the number of prisoners dieted shown in the diet vouchers is correct and agrees with the figures in the General Summary of Prisoners. Details of miscellaneous dietary charges should be shown in the voucher.

- (9) Purchase of arms, accoutrements, machinery tools and plant for the prison shall require the previous sanction of the Inspector-General. The number and date of the letter sanctioning purchase should invariably be quoted in the voucher.
- (10) In the preparation of receipts for money paid the following points should be attended to:—
- Budget head to which the charge is debitable should be written.
  - Number of the supplier's invoice supporting the charge should be quoted.
  - Pay orders must accompany all receipts sent by out-station firms. These receipts, as well as the pay orders, should be signed by the Superintendent. In the list of sub-vouchers the number of the payment order, and not the number of the firm's receipt, should be quoted.
  - When the payee does not sign in English his name should be noted in English below his signature by the Prison Clerk. If the payee is illiterate his thumb-impression, or mark, or seal should be attested by at least one known person. When the payee signs in vernacular he should also write the amount received.
  - With reference to all payments made, the disbursing officer has to satisfy not only himself but also the Accounts office and the controlling authority that the claim is valid and has further to prove that the payee has actually received the sum charged. The Superintendent shall not sign a pay order until he has satisfied himself by reference to the invoice supporting the charge that the articles charged for have been actually received and

have not been previously paid for. When payments are made, through prison warders, actual payee's receipt, properly witnessed and complete in every respect, must be obtained. The Jailer will be held personally responsible that such receipts are correct and genuine.

944. The classification of the expenditure of the Ajmer Central Prison is shown below:—

Jails.

Pay of officers.

Pay of establishment.

Allowances, etc—

(a) Travelling allowances to officers.

(b) Travelling allowances to establishment.

(c) Rewards.

Dietary, clothing, bedding charges and other supplies and services—

(a) Dietary charges.

(b) Hospital charges.

(c) Clothings and beddings for prisoners.

(d) Sanitation charges.

(e) Charges for moving prisoners.

(f) Extraordinary charges for live stock, tools and plants.

(g) Miscellaneous supplies and services.

(h) Cost of military stores.

(i) Charges for Police custody.

Contingencies—

(a) Miscellaneous charges.

(b) Service postage.

(c) Telephone charges.

Jail Manufacture.

Pay of the establishment.

Supplies and services.

Contingencies—

Miscellaneous charges.

## II.—FACTORY ACCOUNTS.

945. All factory accounts, books and records shall be kept distinct and separate from those of the general department of the prison.

946. Every cash receipt book will have a number which will be printed on each form throughout the book. On receipt of these books from the Press, the Superintendent after examination of each book shall certify the number of forms contained in it on the cover and shall maintain in the stock book of forms an account of receipts and issues of this form and shall verify the balance of stock once each year, noting the result over his initials.

947. The Superintendent shall record a note in the day book of sales when he sanctions the sale of any goods at a lower rate than that laid down in the price list.

948. All sales to private persons shall be for cash except that credit may be allowed in the case of purchases made by persons approved by the Superintendent.

949. An advance of 25 per cent. shall be taken from all customers before any order exceeding Rs. 100 is undertaken.

950. The management of the prison factory shall be governed by the following rules:—

- (1) Suppliers will be required to present, with the materials supplied, an invoice in the prescribed form giving the number or weight of the materials and the rates. This shall be in duplicate. The original bearing the supplier's signature shall be retained in the prison office, and the duplicate shall be returned to the supplier after being signed as a receipt by the prison officials.
- (2) The loss actually incurred in the process of manufacture will be charged in the registers of the factory officer. Whenever this loss is in excess of the scales laid down in the schedule of loss, the sanction of the Superintendent must be obtained in writing.
- (3) The Jailer or Deputy Jailer will be in charge of the manufacturing department. As far as possible, the distribution of factory work and registers will be so arranged that the registers connected with the manufacturing department are not maintained by the official in charge of the stores.
- (4) For articles made for prison use no credit for wages and profits shall be taken in the factory accounts. Credit will be taken only for the price of materials including loss and other incidental charges actually incurred in the process of manufacture.
- (5) The Jailer shall maintain a book of estimates in which he will record, in case of each kind of manufactured goods, full details of—

(b) for the goods for sale to the public the price in no case shall be lower than the market price of articles of similar quality.

(7) The prison factory will maintain a price list based on the book of estimates. It will be prepared in the month of April each year and revised as often as may be necessary.

951. The Superintendent shall submit the following statements, returns and indents on the dates noted against each:—

Particulars.	Date of submission.	To whom submitted.	Remarks.
<i>Fortnightly.</i>			
1. Return of under-trial prisoners.	1st and 16th	District Magistrate.	Form No. 80.
<i>Monthly.</i>			
1. Statement V.—Numerical return of class "A" and class "B" convicts.	1st . . .	Inspector-General of Prisons.	Form No. 81.
2. Return of monthly expenditure and balances in Forms A and B.	3rd . . .	Ditto.	Forms Nos. 136 and 137.
3. Statement of figures of pay.	5th . . .	Ditto.	Form No. 86.
4. Monthly Jail returns	10th . . .	Ditto.	Form No. 77.
5. Return of sick prisoners	3rd . . .	Chief Medical Officer, Rajputana.	Form No. 79.
6. Detailed contingent bills.	10th . . .	Inspector-General of Prisons.	Form No. C. A. C. 15-A.
7. Statement showing the amount of dutiable Raw Material used in articles sold to public.	5th . . .	Octroi Superintendent, Municipal Committee, Ajmer.	Form No. 92.
8. Statement of Receipts as booked in the accounts of the Jail.	5th . . .	Commissioner, Ajmer-Merwara.	Form No. 93.
9. Statement showing the cost of goods supplied to the General Departments of the Jail by the Jail Factory and book adjustments effected under certain heads.	5th . . .	Accountant General, Central Revenue.	Form No. 94.
<i>Half-yearly.</i>			
1. Return of criminal tribes. (Moghas).	15th January and 15th July.	Inspector General of Police, Mt. Abu.	Form No. 82.

Particulars.	Date of submission.	To whom submitted.	Remarks.
<i>Half-yearly—contd.</i>			
2. Diet of establishment in the Central Jail, Ajmer, as it stood on the 1st April/October of each year.	15th April and October.	Commissioner, Ajmer-Merwara.	Form No. 85.
<i>Annually.</i>			
1. Indent for medicines and surgical instruments, etc.	15th March	Chief Medical Officer, Rajputana.	(In medical depot form.)
2. Acknowledgment of Permanent Advance.	15th April	Accountant-General, Central Revenue.	Form No. 87.
3. Inspection Report of office and Library.	1st May	Inspector-General of Prisons.	Form No. 88.
4. Indent for Ajmer prison forms.	15th May	Deputy-Controller of Printing and Forms.	Form No. S-86.
5. Statement of Permanent establishment.	Do	Accountant-General, Central Revenue.	(Treasury form.)
6. Statements 1 to 12	1st June	Inspector-General of Prisons.	For transmission to Director-General of Statistics, Calcutta, in Form No. 85.
7. Indent for U. P. Jail forms.	10th July	Superintendent, Allahabad Central Prison.	Form No. A. C. P. 2.
8. Indent for the treasury forms.	10th August	Treasury Officer, Ajmer.	Form No. S-86.
9. Jail Administration Report.	Do	Inspector-General of Prisons.	} Form No. 84.
10. Report on the working of the Juvenile ward.	Do	Ditto	
11. Report of Lunatics	Do	Chief Medical Officer, Rajputana.	
12. Medical portion of the Jail Report.	Do	Ditto.	
13. Report of expenditure of Indian State prisoners.	Do	Inspector General, and Accountant General, Central Revenue.	
14. Budget Estimate	25th August	Inspector-General of Prisons.	
15. Numerical statement of establishment.	Do	Ditto.	
16. Indent for Stationery.	25th November	Ditto.	Form L. R. No. 1.
17. Indent for Ammunition.	5th December	Ditto.	Form I. A. F. 3-2001.

## CHAPTER XLI.

## REGISTERS, RECORDS AND FORMS.

952. The registers prescribed for the prison office are as follows:—

A.—*Prison registers.*

(Period for which they should be retained after completion is noted against each.)

	Period of retention.
1. Admission register of convicts . . . . .	Permanently.
2. Alphabetical list of convicts . . . . .	Permanently.
3. Register of particulars of direct admissions of convicts . . . . .	Two years.
4. Quarterly register of prisoners' cash deposits . . . . .	Five years.
5. Appeal register . . . . .	Two years.
6. Release check register . . . . .	Five years.
7. Monthly release diary . . . . .	Two years.
8. Release register . . . . .	Permanently.
9. Transfer register . . . . .	Ten years.
10. Convict warder's account book . . . . .	Five years.
11. General summary of prisoners (long roll) . . . . .	Ten years.
12. Register of under-trials . . . . .	Ten years.
13. Register of civil prisoners . . . . .	Five years.
14. Lunatics' case book . . . . .	Five years.
15. Diet register . . . . .	Two years.
16. Mill register . . . . .	Two years.
17. Purchase of grain register . . . . .	Two years.
18. Stock book of rations . . . . .	Two years.
19. Stock book of clothing and bedding . . . . .	Five years.
20. Hospital admission register . . . . .	Five years.
21. Hospital daily register . . . . .	Five years.
22. Register of hospital diet and extras . . . . .	Two years.
23. Register of prisoners in the old and infirm and convalescent gangs . . . . .	Two years.
24. Death register . . . . .	Five years.
25. Visitors' book . . . . .	Ten years.
26. Register of duties of warders . . . . .	Two years.
27. Gang book . . . . .	Two years.
28. Gang distribution register . . . . .	Two years.
29. Accommodation register . . . . .	Two years.
30. Lock-up report book . . . . .	Two years.
31. Control clock records book . . . . .	Two years.
32. Fetter register . . . . .	Two years.
33. Punishment register of prisoners . . . . .	Five years.
34. Escape register . . . . .	Permanently.
35. Register of solitary confinement . . . . .	Two years.
36. Labour register . . . . .	Two years.
37. Superintendent's/Medical Officer's order book . . . . .	Ten years.
38. Sub-assistant surgeon's report book and hospital morning state register . . . . .	Two years.
39. Security register . . . . .	Permanently.
40. Prison officials' punishment register . . . . .	Five years.

A.—*Prison registers*—contd.

	Period of retention.
41. Jailer's report book . . . . .	Ten years.
42. Gate-keeper's book . . . . .	Two years.
43. Register of outgangs . . . . .	Two years.
44. Head warder's register of visits to outgangs . . . . .	Two years.
45. Register of locks and keys . . . . .	Ten years.
46. Ammunition register . . . . .	Five years.
47. Grain storage account book . . . . .	Two years.
48. Prison cash book . . . . .	Permanently.
49. Prison ledger . . . . .	Permanently.
50. Register of cash balances . . . . .	Five years.
51. Register of expenditure of non-official post cards for prisoners' letters . . . . .	Two years.
52. Register of completed records . . . . .	Permanently.
53. Register of letters and stamp account . . . . .	Ten years.
54. Station <i>dak</i> book . . . . .	Two years.
55. Register of government property . . . . .	Five years.
56. Stock book of dead and live stock . . . . .	Five years.
57. Stock book of forms . . . . .	Five years.
58. Ledger register showing demands recoveries of maintenance charges of Indian State prisoners confined in the Jail . . . . .	Five years.
59. Revising Board Register . . . . .	Ten years.

*Account Code register.*

A. C. Form 14.—Register of contingent charges . . . . . Five years.

B.—*Factory registers.*

**NOTE.**—These should be retained for a period of five years after they have been audited.

No.	Name.	Remarks.
F. 1.	Factory order book.	
F. 2.	Indent Book . . . . .	Suppliers' receipt for the indent should be obtained.
F. 3.	Register of daily purchase of materials.	
F. 4.	Stock book of materials . . . . .	An alphabetical index should be maintained. The price of material should be calculated at the average rate arrived at by adding the quantities and prices brought forward from the previous quarter to the quantities and prices of the purchases for the current quarter.
F. 5.	Stock book of manufactured goods.	Separate accounts on separate pages should be maintained for manufactured goods priced at different rates for different classes of customers.
F. 6.	Register of daily sales of goods.	
F. 7.	Receipt voucher for goods sold on credit.	
F. 8.	Register of outstanding debts and advances.	Should be balanced monthly.
F. 9.	Bill for goods supplied . . . . .	
F. 10.	Cash receipt book . . . . .	Receipts for all money received must be prepared and given to customers.
F. 11.	Factory cash book . . . . .	No entries are necessary on dates on which no transactions take place.



## B.—Factory registers—contd.

No.	Name.	Remarks.
F. 12.	General Ledger.	
F. 13.	Register of profit and loss.	
F. 14.	Book of estimates.	
F. 15.	Factory labour distribution register.	
F. 16.	Loom register for weaving factory.	
F. 17.	Register of material issued from store and received in factories	
F. 18.	Stock book of materials in process of manufacture.	Stock should be verified once a quarter by the Superintendent.
F. 19.	Register of goods sent into stores.	Superintendent will verify weight of at least 10 per cent. of the goods sent into stores.

953. The following periods are prescribed for the retention of correspondence and records:—

Nature of correspondence or record.	Period of retention.
1. All correspondence with government . . . . .	Permanently.
2. Circular Files and government orders . . . . .	Permanently.
3. Escapes when the prisoner is not captured . . . . .	Permanently.
4. Acquisition and renting of grounds . . . . .	Permanently.
5. Epidemics . . . . .	Ten years.
6. Pensions cases . . . . .	Ten years.
7. Pay bills of establishment . . . . .	As laid down in App. 8-D, C.A.C., Vol. I.
8. Criminal Lunatics . . . . .	Five years.
9. Releases . . . . .	Five years.
10. Punishments . . . . .	Five years.
11. Dismissals and resignations . . . . .	Five years.

954. The following forms are prescribed for use in the Ajmer central prison:—

## Establishment.

1. Service and character roll.
2. Memo. of casual leave granted.
3. Security Bond.
4. Proceedings against officials.
5. Last pay and charge certificates.
6. Nominal roll of an officer directed to appear before an invaliding Board.

## Reservé Guard.

7. List of arms, etc., in the armoury.
8. Uniform ticket.
9. Statement of the annual course of musketry.

**Admission.**

10. Convict's history-ticket.
11. Warrant covers.
12. Labels for bags of valuables.
13. List of valuable property.
14. Labels for private clothing.

**Appeal.**

15. Appeal forms for the High Court.
16. Rules regarding appeal by convicts.

**Release.**

17. Nominal roll of convicts who have completed 14 years in prison including remissions.
18. Statement of convicts recommended for release on account of bodily infirmity.
19. Release certificate.

**Transfer.**

20. Transfer roll of convicts.
21. Memo. of population when transfer is recommended on account of overcrowding.
22. Nominal and descriptive roll.
23. List of government property sent with prisoners on transfer.

**Remission rules.**

24. Remission Card.
25. Abstract of Remission Rules. (In Urdu and Hindi.)

**Convict officers.**

26. Nominal roll of convicts nominated as convict officers.

**Simple imprisonment.**

27. Rules for prisoners sentenced to simple imprisonment.

**Female prisoners.**

28. Nominal roll with address of relatives of female convicts.

**Condemned prisoners.**

29. Condemned prisoner's ticket.
30. Rules for watch and ward of condemned prisoners.

**Under-trials.**

31. Under-trial prisoners' tickets.
32. Rules for diet and other privileges of under-trial prisoners.

**Civil Prisoners.**

33. Abstract of rules regarding civil prisoners.

**Lunatics.**

34. Medical history sheet.

**Dietary.**

35. Diet scale of prisoners.  
36. Diet scale of sick prisoners.

**Interviews and letters.**

37. Petition form of interviews with prisoners.

**Discipline and night watch.**

38. Requisition for prisoners required in office.  
39. Barrack list.  
40. Roll of convict nightwatchmen.  
41. Bulletins for control clocks.

**Offences and Punishments.**

42. List of prison offences and punishments.

**Escape.**

43. Report of escape.

**Solitary confinement.**

44. Cell ticket for judicial solitary confinement.  
45. Cell tickets for prison punishments.  
46. Nominal roll of prisoners recommended for remission of solitary confinement.

**Labour. ;**

47. Daily labour tickets.  
48. List of convicts working in the mill-house.  
49. List of convicts selected for extramural labour.  
50. List of factory orders for carpets, *daris*, etc., in the course of manufacture.

**Garden.**

51. Calendar for sowing vegetable seeds.

**Medical forms.**

52. Form of receipt of sick prisoners.
53. Requisition for diet and extras.
54. Hospital tickets.
55. Temperature chart.
56. Memo. showing the quantities of oil, salt, and other condiments issued and the time at which they were mixed with the prisoner's food

**Accounts.**

57. Application for sanction to purchase.
58. Application for re-appropriation of funds.
59. Particulars of railway receipts received and despatched.
60. Weekly price current.
61. Diet voucher.
62. Voucher for hospital diet and medicines.
63. Voucher for miscellaneous charges.
64. Factory voucher.
65. List of sub-vouchers.

**Factory.**

66. Supplier's invoice.
67. Labels for manufactured goods.
68. Invoice for supplies to government departments.
69. Invoice for supplies to the prison section.
70. List of outstanding debts and advances.
71. Cash payment receipts.
72. Price list.
73. Loom ticket.
74. Labour tickets for prisoners working in gangs.
75. Schedule of loss.
76. Factory order slip.
77. Lists of tools in factories.
78. List of tools in blacksmith's shop.

**Returns and Reports.**

79. Monthly statements.
80. List of prisoners awaiting trial in Magistrates' court who have been detained over a fortnight.
81. Numerical return of class A and class B convicts.
82. Half-yearly return of Moghias.
83. Statement showing maintenance charges of convicts of Indian States.
84. Annual Report.
85. Annual statements.

86. *Statement of figures of pay.*

87. *Acknowledgment of Permanent Advance.*

88. *Inspection Report of Office and Library.*

89. *Revising Board Completion Sheet.*

90. *Revision of Sentence Sheet.*

91. *Charge Report of Jailor.*

92. *Statement showing the amount of dutiable Raw Material used in articles sold to the public.*

93. *Statement of receipts as booked in the accounts of the Jail.*

94. *Statement showing the cost of goods supplied to the General Departments of the Jail by the Jail Factory and book adjustments effected under certain heads.*

95. *List of establishment in the Central Jail, Ajmer, as it stood on the 1st April/October of each year.*

## CHAPTER XLII.

## REVISING BOARD.

955. *Constitution of Board.*—A Board for the purpose of revising the sentences of long term convicts confined in the Central Jail, Ajmer, shall be constituted with the following as members:—

- (1) The Inspector-General of Prisons—Chairman.
- (2) The Additional Sessions Judge, Ajmer-Merwara.
- (3) A non-official gentleman.

The non-official gentleman who will be required to act in an honorary capacity shall be nominated by the District Magistrate with the approval of the Provincial Government. The Superintendent of the Central Jail, Ajmer, will act as Secretary.

956. *Procedure.*—The Chairman shall convene the board twice a year, namely in March and October. The recommendations of the board will be subject to confirmation by the Provincial Government and the Revision Sheets in the form hereinafter laid down of all convicts recommended for release shall be forwarded through the Commissioner in time to enable him to issue necessary orders to enable the prisoners to be released on New Year's Day and His Majesty the King-Emperor's Birthday.

957. *Cases eligible.*—The revising board shall consider the cases of:—

- (i) Casual convicts undergoing sentences of not less than three years and not more than four years provided they have completed two years of their sentences and
- (ii) Casual convicts with sentences of over four years provided they have completed half of their sentences;
- (iii) Habitual convicts who have served two-thirds of their sentences and subject to the provisions of paragraph 964 below have completed at least two and a half years imprisonment.

Remissions shall not be included in these calculations.

958. *Life sentences.*—Life sentences shall be reckoned as fourteen years (*vide* Home Department, Resolution No. 159-169, dated the 6th September, 1905).

959. *Cases not eligible.*—The following cases of convicts shall not be allowed the benefit of these concessions:—

- (i) Internees.
- (ii) Convicts imprisoned for offences under section 2 of the Frontier Murderous Outrages Regulation, 1901.

960. *Date of revision.*—The date on which the case of a convict becomes eligible for consideration by the revising board is hereinafter called the date of revision. The case of a convict whose date of revision falls between the 1st of January and 30th June each year, will come up for consideration by the board meeting to be held in the last week of March while the cases of convicts whose dates of revision lie between the 1st of July and 31st December of any year will come up for consideration by the board meeting during the last week of October each

year to enable the Provincial Government to pass orders for the release of prisoners on the King's Birthday and the New Year's Day respectively. A copy of such order should invariably reach the Superintendent of the Jail at least a week before the date of the release of the prisoners to enable him to prepare necessary papers in connection with their release.

961. *Revision of sentence Register.*—A revising board register shall be maintained in which at the time of their admission the dates of revision of all convicts eligible for consideration by the Revising Board shall be entered. A sufficient number of pages shall be set apart for each half year and each date of revision with the convict's number and name shall be entered in its appropriate half year.

962. *Revision of Sentences Sheet.*—A revision sheet shall be maintained for each convict eligible in which the following information shall be recorded:—

- (i) Name, Age, Caste, Place of abode, Village, District and Thana, Crime, Sentence, Date of present conviction, casual or habitual.
- (ii) *By the Jail authorities.*—Information regarding his—
  - (1) Conduct in Jail.
  - (2) Fitness for release.
  - (3) Physical condition.
  - (4) Mental condition.
  - (5) Opinion of the Superintendent whether case is suitable for submission to Revising Board.
- (iii) *By convicting Magistrate.*—Whether in his opinion it is advisable to release convict in advance of expiry of his sentence.
- (iv) General information as full and as accurate as possible regarding (i) the convict's history and conduct previous to conviction and (ii) especially with reference to the possibility of his home environments leading to a relapse into crime.
- (v) Reference for convicts sentenced to 14 years and over.
- (vi) Finding of Revising Board.

963. *Completion of Revision Sheets.*—(i) The Jailor shall be responsible that Revision Sheets in the prescribed form are prepared in duplicate and accurate particulars of the place of abode, village, district and thana are legibly written.

(ii) The Superintendent shall record his opinion on the revision of sentence sheet before the case of any convict is referred to the District Magistrate and Superintendent of Police. He should forward the revision of sentence sheet of habitual convicts to the District Magistrate only when he can report on the convict in sufficiently favourable terms to justify consideration of his case by the Revising Board.

(iii) The revision sheet shall be forwarded six months prior to the date of revision to the District Magistrate for completion by the Magistrate of the convicting court and for general information regarding previous history and surroundings to the Police. The revision sheets of Military convicts shall be forwarded direct to the Adjutant

General in India, Army Head Quarters, who will furnish information regarding the convict's conduct and character in the Army together with the brief statement of their offences.

(iv) When a convict has been sentenced to 14 years or over his roll will be submitted to the Provincial Government, reference to the number and date of the letter forwarding the roll should be made on the revision of sentence sheet, and when the Provincial Government have already issued orders on such cases for a further period of detention, the fact should invariably be noted on the revision of sentence sheet and the number and date of the Provincial Government's order quoted.

964. *Findings of Board.*—The Board will, in each case, after considering the material before it and the effect on the convict of the period of imprisonment already undergone, either postpone further consideration indefinitely or till its next meeting, or recommend the release of the convict conditionally or unconditionally as it thinks fit.

965. *Revision sheets of convicts not recommended for release.*—The revision sheets of convicts not recommended for immediate release shall be attached to the conviction warrants of the convicts concerned.

966. *Completion of Revising Boards Register.*—A note of the recommendation of the Board and the orders of the Provincial Government in each case shall be made in the register.

967. *Disposal of revision sheet.*—In the case of every convict released under the provisions of this Chapter the convicts revision sheet shall be attached to the commitment warrant or warrants, which shall then after proper endorsement be returned to the Court concerned.



# CHAPTER XLIII.

## RULES GOVERNING THE PRISONERS RELIEF FUND, AJMER.

968. *Name.*—The fund shall be called “The Prisoners’ Relief Fund”.

969. *Aims and objects.*—The fund will be utilised for the welfare of the prisoners and other objects which may be considered by the Inspector-General of Prisons beneficial to prisoners.

*NOTE.*—The sanction of the Provincial Government is necessary to an expenditure in excess of Rs. 100.

970. *Management.*—The management of the fund shall be vested in the committee which will consist of the following:—

- (1) The Inspector-General of Prisons, Ajmer-Merwara, with powers to sanction the expenditure above Rs. 25, but not exceeding Rs. 100 in each case.
- (2) The Superintendent, Central Jail, Ajmer, with powers to meet expenditure not exceeding Rs. 25 at one time.

971. *Funds.*—(1) The Superintendent, Central Jail, Ajmer, shall be incharge of the fund which shall consist of:—

- (a) Moneys confiscated and realised under paragraph 474;
- (b) Grants from Government or any local body; and
- (c) Donations from public.

(2) The Prisoners’ Relief Fund, Ajmer, will be kept apart from the regular Government Accounts of the Ajmer Central Jail by opening a banking account with the Ajmer Branch of the Imperial Bank of India.

(3) The Superintendent, Central Jail, Ajmer, shall submit to the Provincial Government through the Inspector-General of Prisons, Ajmer-Merwara at least once a year, a statement showing the receipts and expenditure of the fund for the past year.

## LIST OF APPENDICES.

- I.—Details of the strength and pay of the establishment. (Reference paragraph 4.)
- II.—Rules relating to the notification of residence after release by prisoners against whom an order under section 563 of the Criminal Procedure Code (Act V of 1898) has been passed. (Reference paragraph 542.)
- III.—Conditions of release of convicts before the expiry of sentences. (Reference paragraph 588.)
- IV.—The authorized capacity of each barreck and cell of the Ajmer Central Prison. [Reference paragraph 634 (d).]
- V.—Rules regarding Judicial Lock-ups.
- VI.—Rules for regulating the procedure to be observed by Magistrates and Courts exercising jurisdiction in Ajmer-Merwara with reference to matters specified in clauses (c) and (f) of sub-section (1) of section 91 of the Indian Lunacy Act, 1912 (IV of 1912).

## APPENDIX I.

*Details of the strength and pay of the establishment.*

- 1 Jailer at Rs. 200—10—300.
- 1 Deputy Jailer at Rs. 80—5—105.
- 1 Assistant Jailer at Rs. 65—2—75.
- 1 Clerk at Rs. 65.
- 1 Sub-Assistant Surgeon. (Pay according to time-scale of pay.)
- 1 Compounder. (Pay according to time-scale of pay.)
- 1 Chief Head Warder at Rs. 40.
- 1 Second Head Warder at Rs. 35.
- 1 Reserve Head Warder at Rs. 30.
- 1 Head Warder for condemned cell guard at Rs. 30.
- 2 Gate Keepers at Rs. 23.
- 46 Warders at Rs. 17 to 20 in the old scale and Rs. 16 to 20 in the new scale according to length of service.\*
- 1 Female warder at Rs. 17 to 20 according to length of service.\*
- 1 Dyeing Master at Rs. 35.

*\* Old Scale.*

- Rs. 17 up to three years service (4th Grade).
- Rs. 18 with more than three but less than ten years service (3rd Grade).
- Rs. 19 with more than ten but less than seventeen years service (2nd Grade).
- Rs. 20 with more than seventeen years service (1st Grade).

*New Scale.*

- Rs. 16 up to three years service (4th Grade).
- Rs. 17 with more than three but less than ten years service (3rd Grade).
- Rs. 18 with more than ten but less than seventeen years service (2nd Grade).
- Rs. 20 with more than seventeen years service (1st Grade).

## APPENDIX II.

*Rules relating to the notification of residence after release by prisoners against whom an order under Section 565 of the Criminal Procedure Code (Act V of 1895) has been passed.*

*References.*—Chief Commissioner, Ajmer-Merwara's—

- (1) Notification No. 1093, dated September 6, 1901.
- (2) Notification No. 101-C. 1032, dated February 1, 1904.
- (3) Notification No. 273-C. 1032, dated January 28, 1926.

1. In these rules the words "local area" mean a village or a mohalla of a town.

2. When an order under section 565 of the Code of Criminal Procedure, 1895 (V of 1895), has been passed with reference to any person, a copy of the order in the annexed form shall be sent to the Superintendent of the Jail with the warrant of commitment.

3. Three months previous to the release of a convict with reference to whom an order under section 565 has been passed, the Superintendent of the Jail shall enquire from the convict within what district he intends to reside on release. If the convict notifies his intention to reside in any district of British India, outside the district of Ajmer-Merwara, the Superintendent shall request the Inspector-General of Prisons to sanction his removal and, after receipt of the order, shall transfer the prisoner to the jail of the district concerned, to be released and dealt with, in accordance with rules there in force.

4. On the dates of his release the convict shall report himself in person to the Superintendent of Police and shall intimate to him the village or Mohalla in which he intends to reside. The Superintendent of Police will then inform him of the conditions which he is required to fulfil.

5. Thereafter, until the expiration of the term prescribed in the order under section 565 of the Criminal Procedure Code, the convict shall comply with the rules made by the Provincial Government under section 20 of the Criminal Tribes Act (VI of 1924) in so far as they relate to registered members of criminal tribes liable to the provision of section 10 (b) of that Act.

6. The officer recording a notification under either rule 4 or rule 5 shall appoint such period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period, notify his actual place of residence to the officer in charge of the Police station within the limits of which he is residing.

7. The notifications required by rules 5 and 6 shall be made personally, except in the case of illness, or for other adequate reason, or on exemption granted by the District Magistrate, to the officers authorised to receive such notifications.

7A. In applying the foregoing rules to the case of a wandering man having no "residence" in the sense of a fixed place of abode, the place of residence shall be deemed to be the place where he sleeps, even if he remains there only one night. On his release he shall be asked under rule 4 where he intends to stay, and be told that, if he moves about the country, he must always notify the place of his temporary abode to the police.

residence, and any change of residence after release, for a term of            years from the date of the expiration of the said sentence, in accordance with the rules made by the Provincial Government.

(Sd.)

Magistrate.

Date.

District.

\* Date of release.

\* *District within which prisoner states that he will reside.*

† Local area notified by the prisoner before release as his residence.

† *Changes of residence subsequently notified.*

† Date of expiry of order.

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\* To be filled up by Superintendent of Jail.

† To be filled up by Magistrate of District.

## APPENDIX III.

(Referred to at the end of Note to Chapter XXV.)

*Conditions of release of convicts before the expiry of sentences.*

*Reference.*—Chief Commissioner, Ajmer-Merwara's Notification No. 274-C./1032, dated the 23rd January 1926.

1. The convict will not commit an offence punishable by any law in force in British India.

2. He will not in any way associate with persons known to be of bad character or lead a dissolute or evil life.

3. He will reside within a specified district at such place as the Magistrate of that district may from time to time direct and will not go beyond or absent himself from the limits of such place without the permission in writing of the Magistrate of the District or the Superintendent of Police.

4. Unless and until he is exempted from doing so by the District Magistrate he will report himself periodically at such time and place and to such persons as may from time to time be prescribed by the District Magistrate or Superintendent of Police of the District in which he is required to reside.

5. He will generally submit to and comply with the rules relating to police surveillance to be exercised over conditionally released convicts under section 565 of the Code of Criminal Procedure.

6. The convict shall on the day of his release report himself in person to the Superintendent of Police who will inform him of the village or mohalla in which to reside and thereafter, during the conditionally remitted period of his sentence, the rules relating to the surveillance of registered members of Criminal Tribes liable to the provisions of section 10 (a) of the Criminal Tribes Act (VI of 1924) and whose movements have been restricted under Section II of that Act shall apply to him.

## APPENDIX IV.

The authorized capacity of each barrack and cell of the Ajmer Central Prison.

Serial No. in the Register of buildings.	Name of building.	Dimensions.			Cubical contents.	Authorized capacity.
		Length.	Breadth.	Height.		
152	Barrack No. 1 (Upper storey).	Ft. In. 58 0	Ft. In. 18 0	Ft. 11	Cubic ft. 11,484	19
	" " 1 (Lower storey)	50 0	10 0	11	11,484	19
153	" " 2 . . .	50 0	20 0	15	15,000	23
154	" " 3 . . .	50 0	20 0	15	15,000	23
155	" " 4 . . .	50 0	20 0	15	15,000	23
156	Hospital for males (Barrack No. 5).	63 0	26 0	15	27,030	30
	Infectious disease ward . . .	}	..	..	..	9
	Children's ward . . .					
157	Barrack No. 6 . . .	50 0	20 0	15	15,000	23
158	" " 7 . . .	50 0	20 0	15	15,000	23
159	" " 8 . . .	50 0	20 0	15	15,000	23
160	" " 9 (Upper storey)	50 0	18 0	11	11,484	19
	" " 9 (Lower storey)	50 0	18 0	11	11,484	19
161	" " 10 for females .	70 0	12 0	15	21,000	32
	Solitary cells . . .	..	..	..	..	2
162	Barrack No. 11 . . .	70 0	12 0	15	21,000	32
163	" " 12 . . .	70 0	12 0	15	21,000	32
164	" " 13 . . .	70 0	12 0	15	21,000	32
165	" " 14 . . .	70 0	12 0	15	21,000	32
166	" " 1 (for 40 cubicles)	122 0	18 0	17½	38,430	40
167	" " 2 (for 40 cubicles)	122 0	18 0	17½	38,430	40
168	" " 1 (for 10 solitary cells).	9 0	8½ 0	14	1,071	10
169	" " 2 (for 10 solitary cells).	9 0	6½ 0	14	1,071	10
176	European Barrack . . .	29 6	17 0	15	13,045	10
179	Solitary Cells . . .	..	..	..	..	12
180	Condemned cells . . .	..	..	..	..	3
185*	Ward No. 1 for Under-trial prisoners.	35 3	17 9	15	9,651	24
186*	Ward No. II for Under-trial prisoners.	35 0	17 9	15	9,585	24
	Total . . .	..	..	..	..	556

\* Not in use at present.

## APPENDIX V.

*Rules regarding Judicial Lock-ups.*

The Provisions of the Prisons Act do not apply to Magistrates' lock-ups, which are places for the confinement of prisoners who are exclusively in the custody of the police [section 3 (i) (a), Act No. IX of 1894]. The officers specified below are in charge of these lock-ups which are as under:—

Lock-up.	Superintendent.	Medical Officer.
Beawar . .	The Extra Assistant Commissioner and Magistrate of the 1st Class.	The Assistant Surgeon.
Kekri . .	The Sub-Divisional Officer and Magistrate, 1st Class.	The Sub-Assistant Surgeon.

At Ajmer all under-trial prisoners will be confined in the Central Jail unless the Magistrate by special order directs otherwise.

Such periodical returns as are prescribed for the lock-ups will be submitted to the Commissioner by the Magistrate concerned. They will not be included in the Ajmer Jail returns, save in so far as the expenditure on under-trial prisoners by Magistrates is concerned.



6. Place of birth and recent place of abode.\*
7. Whether homeless or living with relatives.†
8. Whether any member of patient's family has been or is affected with insanity.
9. Whether the attack is the first attack of insanity or not.
10. Age (if known) at onset of first attack.
11. Previous history and habits and facts indicating insanity.‡
12. Duration and nature of any previous attacks.
13. Supposed cause of insanity.§
14. Duration of existing attack.

Signature.

*Questions to be answered by the Medical Officer alone.*

1. Sex and age of patient.
2. Marks whereby the patient may be identified.
3. State of bodily health.||
4. Symptoms exhibited.
5. Supposed exhibiting cause of present attack.
6. Whether subject to epilepsy or any other disease.
7. Whether suicidal.
8. Whether dangerous to others.

Signature.

## APPENDIX II.

[Vide Rule 4 (2).]

### CERTIFICATE OF FITNESS FOR TRANSFER AND CONDITION OF HEALTH IN THE CASE OF LUNATICS SENT TO ASYLUM.

Station

Dated

Certified that criminal lunatic/the lunatic (name) is in sufficiently  
good health, and in a fit state, to travel from (name of the station)  
to the Punjab Mental Hospital, Lahore/Mental Hospital, Agra.

(Signed).

*List of correction slips posted in the Ajmer-Merwara Jail Manual (1936).*

Serial number of correction.	Paragraph of the Jail Manual amended.	Initials of person by whom posted and date of posting.	Serial number of correction.	Paragraph of the Jail Manual amended.	Initials of person by whom posted and date of posting.